

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 27232 of 2015 (D)

PETITIONER(S):

**SAHIR.C, AGED 29 YEARS,
S/O.MOHAMMD, CHARATH HOUSE,
NIRAMARUTHUR, TIRUR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT(S):

**1.DEPUTY TAHSILDAR (RR),
TALUK OFFICE, TIRUR,
MALAPPURAM DISTRICT, PIN 676 101.**

**2.THE NATIONAL INSURANCE CO. LTD.,
TIRUR BRANCH, TIRUR BUSINESS CENTRE,
CITY TOURIST HOME, G.H.ROAD, TIRUR,
MALAPPURAM DISTRICT, PIN 676 104.**

**3.SUHRA,
W/O.KUTTANTE PURAKKAL RASHID,
PADIYAM, VAKKAD.P.O.,
TIRUR, MALAPPURAM DISTRICT,
PIN 676 109.**

**R BY SRI.M.A.GEORGE, SC
R BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE AWARD DATED 31.7.2013 IN OP (MV) NO.749/2011 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR.

EXT.P2: COPY OF THE DEMAND NOTICE NO.2015/690/10/400 DATED 24.6.2015 ISSUED BY THE 1ST RESPONDENT.

EXT.P3: COPY OF I.A.NO.3288/2015 IN OP (MV). NO.749/2011 DATED 7.8.2015 FILED BY THE PETITIONER BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR.

EXT.P4: COPY OF I.A.NO.3289/2015 IN OP (MV) NO.749/2011 DATED 7.8.2015 FILED BY THE PETITIONER BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR.

EXT.P5: COPY OF THE DRIVING LICENCE OF THE PETITIONER.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.27232 OF 2015 (D)

Dated this the 9th day of September, 2015

J U D G M E N T

The petitioner is aggrieved by the revenue recovery proceedings initiated against him for recovery of amounts confirmed against him by an award of the Motor Accidents Claims Tribunal [MACT], Tirur. In the writ petition, it is the contention of the petitioner that he has filed Exts.P3 and P4 applications before the MACT, Tirur, for setting aside the ex parte award passed by the said Tribunal. It is at this stage that the petitioner has been served with Ext.P2 revenue recovery notice, which is impugned in this writ petition.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader for the 1st respondent as also the learned Standing counsel for the 2nd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the MACT, Tirur, before which, Exts.P3 and P4

applications preferred by the petitioner, for setting aside the ex parte award in O.P.(MV)No.749/2011, are pending, to consider and pass orders on the same, within a period of three months from the date of receipt of a copy of this judgment. I make it clear that till such time as orders are passed by the MACT, Tirur, as directed, further proceedings pursuant to Ext.P2 notice, inasmuch as it relates to the petitioner, shall be kept in abeyance.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp