

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 27282 of 2015 (I)

PETITIONER :

**VIJESH,S/O.SREEDHARAN, AGED 24 YEARS,
PUTHIYOTTUM THAZHE KUNIYIL HOUSE, KAYAPANACHI.P.O.,
THUNERIL, VATAKARA, KOZHIKODE DISTRICT,PIN-673 505**

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

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (R.R),
REVENUE RECOVERY OFFICE, VATAKARA,
KOZHIKODE DISTRICT**
- 2. NATIONAL INDIA INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, KEYIS SHOPPING COMPLEX,
NARANGAPURAM, THALASSERY, KANNUR DISTRICT,PIN-670 101**
- 3. UMMER, S/O.KOYA, AGED 48 YEARS,
KALLAYAKUNNATH HOUSE, THALAKKAD, KATTACHIRA,
KOTTAYAM, B.PANGADI.P.O., TIRUR,
MALAPPURAM DISTRICT, PIN-676 102**
- 4. SANOOP, S/O.NALINI, PUTHANPARAMBIL HOUSE,
IRIGANNUR, TUNERI.P.O., VATAKARA,
KOZHIKODE DISTRICT,PIN-673 505**

**R1 BY GOVERNMENT PLEADER SMT.K.T.LILLY
R2 BY SRI.M.A.GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.27282/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE AWARD IN OP(MV) NO.528/2012 PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR DATED 18/3/2014**
- P2 COPY OF THE DEMAND NOTICE DATED 23/05/2015 (TALUK FILE NO.2015/1870/11/401) ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**
- P3 COPY OF THE I.A.NO.3290/2015 DATED 20/08/2015 IN OP(MV) NO.528/2012 FILED BY THE PETITIONER BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR**
- P4 COPY OF THE I.A.NO.3291/2015 DATED 20/08/2015 IN OP(MV) NO.528/2012 FILED BY THE PETITIONER BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR**
- P5 COPY OF THE DRIVING LICENCE OF THE PETITIONER.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.27282 OF 2015

Dated this the 10th 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 demand 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.528/2012, 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

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