

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 28287 of 2015 (I)

PETITIONER:

SHYMALA E.K., SHEMIS SHELTER,
PAZHASSI, URUVACHAL P.O.,
MATTANNUR - 670 702.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. THE REGIONAL TRANSPORT OFFICER
O/O. REGIONAL TRANSPORT OFFICER,
THALLASSERY - 670101.
2. THE JOINT REGIONAL TRANSPORT OFFICER,
O/O. THE JOINT REGIONAL TRANSPORT OFFICE,
THALLASSERY - 670 101.

BY GOVERNMENT PLEADER SMT.K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE DEATH CERTIFICATE.
- EXHIBIT P2 - TRUE COPY OF THE REGISTRATION CERTIFICATE.
- EXHIBIT P3 - TRUE COPY OF THE REGISTERED WILL EXECUTED BY SRI. SREEDHARAN NAMBIAR.
- EXHIBIT P4 - TRUE COPY OF THE APPLICATION DATED 4-8-2015.
- EXHIBIT P5 - TRUE COPY OF THE RECEIPT FOR PAYMENT OF TRANSFER FEE.
- EXHIBIT P6 - TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE DATED 28-2-2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 28287 OF 2015

Dated this the 28th day of September, 2015

JUDGMENT

Ext.P4 application for transfer of ownership of the vehicle requires to be dealt with on merits. The petitioner relies on Ext.P3 registered 'will' alleged to have been executed by the original owner of the vehicle.

2. The Government Pleader points out that a 'will' cannot be accepted on face value unless it is duly proved in a civil court. Reliance is placed on the provisions of the Evidence Act and the Succession Act in this regard.

3. I direct the second respondent to receive Ext.P4 application which was returned for a decision on merits. Such a decision shall be taken with notice to all the legal heirs shown in Ext.P6 certificate.

4. A decision shall be taken within a period of one month. The question of transferring the ownership in records leaving open the right of the parties to agitate the issue in civil court can also be explored.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**