

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C) .No. 28605 of 2015 (A)

AGAINST THE ORDER/JUDGMENT IN OPMV 1344/2008 of M.A.C.T., PERUMBAVOOR
DATED 18-06-2014

PETITIONER(S) :

R.V.NASAR, AGED 42 YEARS
S/O.K.KAZIM
RARUVALAPPIL HOUSE
KAPILANGATTIL, MARACHERI.P.O
ERAMANGALAM, PONNANI
MALAPPURAM DISTRICT, PIN-679577

BY ADVS.SRI.T.K.VIPINDAS
SMT.PREM BINDU T.K.
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT(S) :

1. THE SPECIAL DEPUTY TAHSILDAR (RR) ,
TALUK OFFICE, PONNANI-676101
2. THE BRANCH MANAGER,
ORIENTAL INSURANCE COMPANY LIMITED
BRANCH OFFICE, TIRUR
C.K.H.BUILDING, THAZHEPALAM,
PONNANI ROAD, TIROOR, PIN-676 101

BY GOVERNMENT PLEADER SMT.LILLY.K.T
BY SMT.K.S.SANTHI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 28605 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE AWARD IN O.P(MV) NO.1344/2008 BEFORE THE MACT,
PERUMBAVOOR DATED 18.06.2014

EXT.P2: TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 10.06.2015

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.28605 of 2015
.....
Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner who is faced with revenue recovery proceedings, for recovery of amounts confirmed against him by an award of the Motor Accidents Claims Tribunal, Perumbavoor in O.P(MV).No.1344 of 2008 seeks an instalment facility to discharge the liability to the respondents.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader for the 1st respondent and 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, and taking note of the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

- (i) The total amount demanded from the petitioner by Ext.P2 notice is Rs.1,02,755/- together with collection charges. Accordingly, if the petitioner pays the said amount of Rs.1,02,755/-, together with collection charges in ten equal successive

monthly instalments commencing from 15.10.2015, then further proceedings for recovery shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the 1st respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns