

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 29306 of 2015 (K)

PETITIONER :

**YOHANNAN V. ALIAS ULAHANNAN, AGED 63 YEARS,
S/O. OUSEPH, RESIDING AT PANICKALATHU HOUSE,
THARAMUTTAM PEEDIKA, MULLAPUZHACHAL P.O.
ENANELLORE VILLAGE, MUVATTUPUZHA, ERNAKULAM DISTRICT**

**BY ADVS.SRI.C.P.SAJI
SMT.P.DEEPA MOHAN**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR, COLLECTORATE,
ERNAKULAM, KOCHI - 682030.**
- 2. THE DEPUTY TAHSILDAR (RR), TALUK OFFICE,
MUVAATTUPUZZHA - 686661.**
- 3. THE VILLAGE OFFICER, ENANALLOOR VILLAGE,
ENANALLOOR P.O., PIN 686673, ERNAKULAM DISTRICT**
- 4. THE ORIENTAL INSURANCE COMPANY LIMITED, DIVISIONAL
OFFICE, TH TOWER, STADIUM ROAD, MUVATTUPUZZHA - 686661,
ERNAKULAM DISTRICT**

**R1 TO R3 BY GOVERNMENT PLEADER SMT. LILLY K.T.
R4 BY SMT.K.S.SANTHI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 29306 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF PETITION AS IA NO. 536/2015 IN OP(MV) NO. 501/2011 DT 5/2/2015
FILED BY THE R4 BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL.
- P2: COPY OF DEMAND NOTICE DT 6/7/2015 ISSUED TO THE PETITIONER BY THE
R2.
- P3: COPY OF PETITION DT 18/9/2015 PREPARED BY PETITIONER FOR
SUBMITTING BEFORE THE R3 & R4 RESPONDENTS.
- P4: COY OF DEATH CERTIFICATE OF THE PETITIONER'S DAUGHTER NAMELY
VINCY P. JOHN DT 4/9/2015.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.29306 of 2015
.....
Dated this the 29th 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, Muvattupuzha, seeks a facility of discharging the dues in instalments.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader for respondents 1 to 3 and the learned Standing counsel for the 4th 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 due from the petitioner as evidenced by Ext.P2 notice is Rs.88,813/- together with accrued interest and other charges. Accordingly, if the petitioner pays the said amount of Rs.88,813/- together with accrued interest and other 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 respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns