

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

W.P.(C).No. 31416 of 2014 (B)

PETITIONER(S):

AHAMMADUNNI, AGED 75 YEARS,
S/O. P.MUHAMMED MUSLIAR, CHERIYATHVALAPPIL HOUSE,
ERAVAKKAD P.O., KUMARANELLOOR, PATTAMBI,
PALAKKAD.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENT(S):

1. DISTRICT COLLECTOR
PALAKKAD - 678 001.
2. TAHSILDAR (RR)
PATTAMBI - 679 303
3. VILLAGE OFFICER
KAPOOR, PATTAMBITALUK - 679 303.

*ADDL.R4 TO R8 IMPEADED

ADDL.4 ASHARAF, S/O. MOIDUNNI, PARAPURATH HOUSE,
NELLIPPADI ANGADI, OTTAPALAM,
PALAKKAD - 679 101.

ADDL.5 THAJUNNISSA, W/O. ASHARAF, MALAYAMKAKATH HOUSE,
ANGADI P.O., THRITHALA, OTTAPALAM - 679 552.

ADDL.6 HYRUNNISA, W/O. JUNAID, CHULLIVALAPPIL HOUSE,
KUMARANELLOOR P.O., OTTAPALAM, PALAKKAD- 679 552.

ADDL.7 MOHAMMED RAFI, S/O. ASHARAF PARAPURATH HOUSE,
ANGADI P.O., THRITHALA, OTTAPALAM - 679 552.

ADDL.8 THE ORIENTAL INSURANCE CO., BRANCH OFFICE,
BROTHERS BUILDING, GVR ROAD, KUMNNAMKULAM,
THRISSUR DISTRICT - 680 523.

*ADDITIONAL R4 TO R8 ARE IMPEADED AS PER ORDER DATED 17-12-2014
IN I.A. NO.1693/2014.

R1 TO R3 BY GOVERNMENT PLEADER, SRI. K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

p.t.o.

W.P.(C).No. 31416 of 2014 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT IN FORM NO. 1
DT. 28.9.2014.
- P2 - TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT IN FORM NO. 10
DT. 28.9.2014.
- P3 - TRUE COPY OF THE REPRESENTATION DT. 04.11.2014 BY THE PETITIONER
BEFORE THE HON'BLE MINISTER OF REVENUE.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.31416 OF 2014

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Dated this the 27th day of January, 2015

JUDGMENT

The petitioner herein was the owner of a vehicle bearing registration No.KL 52B 1467 which got involved in a road traffic accident leading to O.P.(MV)No.627/2011 before the Motor Accidents Claims Tribunal, Ottappalam. After analysing the materials on record, the Tribunal passed an award granting compensation to the victim, directing the insurer of the vehicle to satisfy the same, however reserving liberty of the insurer to get it recovered from the petitioner, in view of the violation of the statutory/policy conditions. The petitioner is not challenging the said award. The prayer is that the petitioner may be given some breathing time to clear the entire liability by reasonable instalments, particularly taking note of the advanced age of the petitioner (who is a septuagenarian) and the earnest efforts being taken to discharge the liability.

2. When the matter came up for consideration before this Court on 28.11.2014, coercive proceedings were ordered to be kept in abeyance, on condition that the petitioner

deposited a sum of Rs.50,000/- within one week, which stands complied with. Subsequently, after impleading the additional respondents including the Insurance Company in the party array, urgent notice on admission to the additional 8th respondent was ordered, extending the interim order by one month, subject to the condition that the petitioner deposited a sum of Rs.50,000/-, which is also stated as complied with.

3. Despite the service of notice, the insurer has not chosen to appear before this Court. Hence it can be reasonably presumed that the insurer does not have any serious objection in permitting the petitioner to clear the liability by way of reasonable instalments, after giving credit to the amounts already deposited pursuant to the interim orders passed by this Court. The balance amount (which is stated as nearly Rs.2,19,689/- plus subsequent interest) shall be cleared by the petitioner by way of 'eight' equal monthly instalments, the first of it shall be paid on or before the last working day of February, 2015, followed by similar instalments to be effected on or before the last working day of the succeeding months. Subject to this, the recovery proceedings shall be kept in abeyance. It is made clear that if any default is committed by

the petitioner in satisfying the due instalments as above, it will be open to the concerned respondents to proceed with further steps for realisation of the entire amount in a lump by pursuing such steps from the stage where it stands now.

The writ petition is disposed of accordingly.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. To Judge

St/-