

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 35724 of 2009 (I)

PETITIONER :

**SMT. RADHAMANI RAJENDRAN,
W/O.LATE RAJENDRAN, KIZHAKKE VILAYIL HOUSE,
KALANJOOR.P.O, ADOOR.**

BY ADV. SRI.S.HARIKRISHNAN

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR(R.R), ADOOR.**
- 2. SMT.SARA BEEVI, MUKALU KALAYIL VEEDU,
KALANJOOR.P.O, PATHANAMTHITTA DISTRICT.**

R1 BY GOVERNMENT PLEADER SRI.LIJU V. STEPHEN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.35724/2009

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE COMMON ORDER DATED 29/6/2000 PASSED IN CONSUMER O.P.NOS.430, 431 AND 432 OF 1999 PASSED BY THE STATE COMMISSION.**
- P2 COPY OF THE R.R. NOTICE ISSUED BY THE 1ST RESPONDENT**
- P3 COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, PUNALUR MUNICIPALITY**
- P4 COPY OF THE RATION CARD OF THE PETITIONER AND HER FAMILY ISSUED BY THE TALUK SUPPLY OFFICER.**
- P5 COPY OF THE COMMON REPRESENTATION DATED 4/12/2009 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.35724 of 2009

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Dated this the 14th day of October, 2015

J U D G M E N T

The petitioner in the writ petition is a widow. It is her case in the writ petition that her late husband was running a chitty business which fell into bad times. Pursuant to Ext.P1 judgment and decree of the Consumer Dispute Redressal Forum, the petitioner's late husband became liable to pay amounts to the 2nd respondent. Ext.P1 judgment and decree was sought to be executed against the petitioner by Ext.P2 revenue recovery notice that was issued to her, since the petitioner's husband died on 06.07.2005 after the passing of Ext.P1 judgment and decree by the Consumer Dispute Redressal Forum. In the writ petition, the petitioner challenges Ext.P2 revenue recovery notice, inter alia, on the ground of limitation. As an alternative prayer, the petitioner also seeks the facility of instalments to discharge the liability due to the respondents in Ext.P2 notice. By an interim order dated 11.12.2009, this Court had granted a stay of further proceedings for recovery pursuant to Ext.P2 notice for a period of one month on condition that, the petitioner remitted 25% of the amount demanded within three weeks from the date of the order. Thereafter, the writ petition was adjourned on various occasions

and has now come up for final hearing. The learned Government Pleader would submit on instructions that Ext.P2 revenue recovery notice was issued against the petitioner considering the fact that the period of limitation prescribed for execution of civil decrees is 12 years under the Limitation Act.

2. On a perusal of the averments in the writ petition, there is nothing to indicate that the required notices under the Revenue Recovery Act or the required steps for execution of the decree of the Consumer Dispute Redressal Forum was not taken by the respondents at the time when the petitioner's late husband was alive, and further, there is nothing in the writ petition to suggest that the recovery notices issued on the petitioner were not in accordance with the provisions of the Revenue Recovery Act. Under the said circumstances, I see no reason to interfere with Ext.P2 revenue recovery notice served on the petitioner, that is impugned in the present writ petition. The writ petition in its challenge against Ext.P2 notice therefore fails and is accordingly dismissed.

I note from the writ petition that by Ext.P5 representation before the 1st respondent, the petitioner had sought for some time to discharge her liability under Ext.P2 notice. Taking note of the plea of financial hardship urged on behalf of the petitioner in the

writ petition, I permit the petitioner to discharge the outstanding liability to the respondents, pursuant Ext.P2 recovery notice, in 12 equal successive monthly instalments commencing from 15.11.2015. The respondents shall give credit to any payment effected by the petitioner during the pendency of the writ petition while determining the outstanding amount due from her as of today.

The writ petition disposed of as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

