

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 32051 of 2015 (F)

PETITIONER(S):

**CLEETUS. K.J, AGED 44 YEARS,
S/O.JOSEPH K.A., RESIDING AT KUNNATH HOUSE,
ST.JOHN PATTAM, KOCHI-1.**

**BY ADVS.SRI.T.MADHU
SRI.B.S.SURAJ KRISHNA**

RESPONDENT(S):

- 1. DANY. L, AGED 34 YEARS,
S/O.LOHITHAKSHAN, RESIDING AT
MUNDIYAN MADAM HOUSE, THENHIPALAM AMSOM,
CHENAKKALANGADI, MALAPPURAM DISTRICT.**
- 2. THE NEW INDIA ASSURANCE CO.LTD.,
THAZHEPALAM, TIRUR, MALAPPURAM DISTRICT-676101.**
- 3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
KOCHI-682001.**
- 4. THE VILLAGE OFFICER, FORTKOCHI VILLAGE,
KOCHI-682001.**

**R2 BY SRI.A.A.ZIYAD RAHMAN
R3 & 4 BY GOVERNMENT PLEADER SMT.K.T.LILLY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

- P1: COPY OF THE AWARD DATED 25/4/14 IN OPMV.1147/2011 ON THE FILED OF MACT, TIRUR AND CERTIFIED COPY**
- P2: COPY OF THE CERTIFICATE OF INSURANCE ISSUED BY THE R2**
- P3: COPY OF THE AFFIDAVIT IN IA.3742/15 IN OPMV.1147/11 ON THE FILED OF THE MACT TIRUR DATED 36/8/15**
- P4: COPY OF THE AFFIDAVIT IN IA.3743/15 IN OPMV.1147/11 ON THE FILED OF THE MACT TIRUR DATED 26/8/15**
- P5: COPY OF THE NOTICE DATED 3/7/15 ISSUED UNDER SECTION 7 OF THE KERALA REVENUE RECOVERY ACT**
- P6: COPY OF THE NOTICE DATED 3/7/15 ISSUED BY THE R3 UNDER SECTION 34 OF THE KERALA REVENUE RECOVERY ACT.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 32051 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

The petitioner, who is faced with the revenue recovery proceedings for recovery of amounts confirmed against him by an award of the Motor Accident Claims Tribunal, Tirur, seeks a direction to the MACT, Tirur, before which Exts.P3 and P4 applications filed by the petitioner for condonation of delay, and for setting aside the award that is stated to have been passed ex parte, is pending, to pass orders on the said applications and to keep the recovery steps initiated against him by Exts.P5 and P6 notices in abeyance till such time as the MACT, Tirur, has had occasion to consider and pass orders in Exts.P3 and P4 applications.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the respondents as also the learned Standing Counsel appearing for the respondent insurance company.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the MACT, Tirur, to consider and pass orders on IA Nos.3742 and 3743 of 2015 in OP(MV) No.1147 of

2011, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. I make it clear that, till such time as orders are passed by the MACT, Tirur, in the I.A.s referred to above, the recovery steps initiated against the petitioner by Exts.P5 and P6 notices shall be kept in abeyance.

A.K.JAYASANKARAN NAMBIAR
JUDGE