

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 32509 of 2015 (K)

PETITIONER(S):

**SOMAN. B., SANTHOSH BHAVAN,
KARUMKULAM, PUTHIYATHURA P.O.,
NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SASITH.

RESPONDENT(S):

- 1. DEPUTY TAHSILDAR (REVENUE RECOVERY),
REVENUE RECOVERY OFFICE, NEYYATTINKARA,
THIRUVANANTHAPURAM-695 001.**
- 2. ALFRED @ ALBERT, S/O.LATE MARIYANESAN,
VEDAYANTENADA PURAYIDOM, PALLOM,
PULLUVILA P.O., NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM-695 001.**
- 3. THE ORIENTAL INSURANCE CO. LTD.,
DIVISIONAL OFFICE NO.1, THAKARAPARAMBU ROAD,
PAZHAVANGADI, THIRUVANANTHAPURAM-695 001.**

**R1 BY GOVT. PLEADER SMT.LILLY K.T.
R3 BY ADV. SMT.K.S.SANTHI, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 32509 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXT.P1 COPY OF THE DEMAND NOTICE UNDER SECTION 7 BY
ISSUED BY THE 1ST RESPONDENT DATED 28/07/2015.**

**EXT.P2 COPY OF THE DEMAND NOTICE PRIOR TO SALE ISSUED BY
THE 1ST RESPONDENT DATED 31/07/2004.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 32509 of 2015

Dated this the 27th day of October, 2015

JUDGMENT

The petitioner, who is faced with the recovery proceedings for recovery of amounts confirmed against him by an award of the Motor Accident Claims Tribunal, Neyyattinkara, seeks only a relief of grant of installment for effecting the payments due to the respondents.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the official respondents as also the learned Standing Counsel appearing for the 3rd respondent, insurance company.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of the financial hardship urged on behalf of the petitioner, I direct that, if the petitioner pays the amount due from him as evidenced by Exts.P1 and P2 demand notices, in six equal and successive monthly installments commencing from 15.11.2015, then further proceedings for recovery shall be kept in abeyance.

It is made clear that if the petitioner commits a default in respect of any of the installments, 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE