

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 33185 of 2015 (W)

PETITIONER :

**SHAMEER M.,
AGED 37 YEARS, S/O. MUHAMMED
7/548, ERAPPAKKAD HOUSE
PIRAYIRI, PALAKKAD – 678 019.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT :

**DEPUTY TAHSILDAR (REVENUE RECOVERY)
OFFICE OF THE TAHSILDAR
PALAKKAD – 678 001.**

BY GOVT. PLEADER SRI. R. RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 33185 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE DEMAND NOTICE NO. 2015/2433/9/600 DATED 23.9.2015
ISSUED BY THE RESPONDENT.**

**EXT.P2 COPY OF THE DEMAND NOTICE NO. 2015/2432/9/600 DATED 23.9.2015
ISSUED BY THE RESPONDENT.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.33185 of 2015

Dated this the 1st day of December 2015

JUDGMENT

The petitioner, who is aggrieved by revenue recovery proceedings initiated against him by the respondent, for recovery of amounts confirmed against the petitioner by an Award of the Motor Accident Claims Tribunal, Palakkad, seeks time to approach the Motor Accident Claims Tribunal, Palakkad with a petition for setting aside the ex parte Award.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I find that the petitioner had sought a month's time to file the application before Motor Accident Claims Tribunal, Palakkad, for setting aside the ex parte award. Taking note of the said prayer of the petitioner, this Court granted an interim stay of recovery proceedings, for a period of one month, so as to enable the petitioner to pursue the said remedy, before the Motor Accident Claims Tribunal, Palakkad.

When the matter was called up today, it is submitted by counsel for the petitioner that he has since filed an application for obtaining a certified copy of the award and he will be filing the necessary application for setting aside the ex parte award within a period of one month. Taking note of the said submission, I dispose the writ petition by directing the respondent to keep in abeyance the recovery proceedings against the petitioner for a period of one month from today so as to enable the petitioner to file the necessary application before the Motor Accident Claims Tribunal, Palakkad for setting aside the ex parte award, in the meanwhile.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/