

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 34986 of 2015 (W)

PETITIONER(S):

**UNNIKRISHNAN, AGED 52 YEARS,
S/O.BHASKARAN NAIR, THOTTATHATTU HOUSE,
VANDANMEDU P.O., VANDANMEDU, IDUKKI-685 551.**

**BY ADVS.SRI.GIREESH PANKAJAKSHAN
SRI.SAIJU S.**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
CIVIL STATION, CHERUTHONY, IDUKKI-685001.**
- 2. THE THAHASILDAR
UDUMBANCHOLA TALUK, NEDUMKANDAM,
IDUKKI DISTRICT-685001.**
- 3. THE VILLAGE OFFICER,
VANDANMEDU VILLAGE, VANDANMEDU,
IDUKKI-685 551.**
- 4. THE ORIENTAL INSURANCE COMPANY LTD,
REPRESENTED BY BRANCH MANAGER, JYOTHI SUPER BAZAAR,
THODUPUZHA-685584.**

**R1-3 BY GOVERNMENT PLEADER SMT.LILLY K.T.
R4 BY SMT.K.S.SANTHI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 34986 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. THE TRUE COPY OF THE DRIVING LICENCE

**EXT.P2. THE TRUE COPY OF THE AWARD DATED 18/4/2013 PASSED BY THE MACT,
THODUPUZZHA.**

**EXT.P3. THE TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST
RESPONDENT**

EXT.P4. THE TRUE COPY OF THE PETITION TO SET ASIDE THE EX-PARTE AWARD.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.34986 of 2015

Dated this the 19th day of November 2015

JUDGMENT

The petitioner who is faced with recovery steps for recovery of amounts confirmed against him by an award of the MACT, Thodupuzha, seeks a direction to the MACT, Thodupuzha, before which he has preferred Ext.P4 application for setting aside the ex parte award, to consider and pass orders on the said petition expeditiously and to keep in abeyance the recovery steps initiated against him in the meanwhile.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader for the official respondents and Smt.K.S.Santhi for the 4th respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I dispose the writ petition with the following directions:-

(i) MACT, Thodupuzha is directed to consider and pass orders on Ext.P4 petition submitted by the

petitioner, to set aside the ex parte award, after considering the application for condonation of delay in the filing the application within a period of three months from the date of receipt of a copy of this judgment.

(ii)The recovery steps initiated against the petitioner by Ext.P3 demand notice shall be kept in abeyance till then, on condition that the petitioner pays an amount of Rs.60,000/- to the respondents, within one month, from the date of receipt of a copy of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/