

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 35214 of 2014 (B)

PETITIONER:

**GREGORY ALEXANDER,
KOVILPARAMBIL HOUSE, 8/84,
KADAMAKUDY, KOCHI.**

**BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
KANAYANNUR TALUK, ERNAKULAM, KOCHI-11.**
- 3. THE VILLAGE OFFICER,
KADAMAKUDY VILLAGE, KOCHI.**
- 4. UNITED INDIA INSURANCE COMPANY LIMITED,
KALOOR, KOCHI-17, REPRESENTED BY ITS MANAGER.**
- 5. JOSEPH K.G.,
SON OF GEORGE, KALATHIPARAMBIL HOUSE,
NEAR KARTHEDAM CHURCH, ELAMKUNNAPUZHA.**

**R1 TO R3 BY GOVERNMENT PLEADER SMT.LILLY.K.T.
R4 BY SRI.P.K.MANOJKUMAR,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 35214 of 2014 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 - TRUE COPY OF THE CLAIM PETITION IN OP(MV)NO.331 OF 2009.
- EXT.P2 - TRUE COPY OF THE AWARD DATED 2-4-2013 IN OP(MV)NO.331 OF 2009.
- EXT.P3 - TRUE COPY OF THE NOTICE DATED 7-4-2014 UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.
- EXT.P4 - TRUE COPY OF THE IA NO.8274 OF 2013 IN OP(MV)NO.331 OF 2009.
- EXT.P5 - TRUE COPY OF IA NO.6645 OF 2014 FILED BY THE PETITIONER TO CONDONE DELAY.
- EXT.P6 - TRUE COPY OF IA NO.6647 OF 2014 FILED BY THE PETITIONER TO SET ASIDE EX PARTE AWARD.
- EXT.P7 - TRUE COPY OF THE AGREEMENT DATED 27-2-2007.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.35214 OF 2014 (B)

Dated this the 20th day of January, 2015

J U D G M E N T

The petitioner, against whom recovery proceedings have been initiated at the instance of the 4th respondent Insurance company for realisation of compensation amounts pursuant to an award of the Motor Accidents Claims Tribunal, Ernakulam, seeks a direction to the MACT, Ernakulam, before whom Ext.P6 application to set aside the ex parte award and Ext.P5 application to condone the delay in preferring Ext.P6 petition have been filed by him, to dispose of Ext.P5 application expeditiously. The petitioner also seeks a stay of recovery proceedings, initiated against him through Ext.P3 notice, till such time as the Tribunal passes orders on Ext.P5 application.

2. I have heard Sri.Rilgin V. George, the learned counsel appearing for the petitioner, Sri.P.K.Manoj Kumar, the learned Standing counsel appearing for the 4th respondent as also Smt.Lilly.K.T., the learned Government Pleader appearing for the respondents 1 to 3.

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, Ernakulam to consider and dispose Ext.P5 application preferred by the petitioner before the Tribunal within a period of one month from the date of receipt of copy of this judgment. Recovery proceedings initiated against the petitioner pursuant to Ext.P3 notice shall be kept in abeyance till such time as the MACT, Ernakulam passes orders on Ext.P5 application and communicates the same to the petitioner.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the MACT, Ernakulam within a period of one week from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp