

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 35913 of 2015 (L)

PETITIONER(S):

**SAMKUTTY,
S/O.GEORGE, VALIYAVILKIZHAKKETHIL PUTHEN VEEDU,
MANJAKKALA PO, PANAMPATTA AYATHIL, THALAVOOR,
KOLLAM DISTRICT 689672.**

BY ADV. SRI.AJEESH K.SASI

RESPONDENT(S):

- 1. DEPUTY THAHSILDAR (RR),
TALUK OFFICE, PATHANAMTHITTA 689645.**
- 2. THE VILLAGE OFFICER.
THALAVOOR VILLAGE OFFICE, THALAVOOR.
PATHANAPURAM 689695.**
- 3. EAPEN VARGHESE,
S/O.VARGHESE EAPEN, KACHIRA MANGALATHU VEEDU,
PADINJATTUMSSERY, ANJILITHANAM PO, THIRUVALLA PO,
PATHANAMTHITTA DISTRICT 689582.**

R1 & 2 BY GOVERNMENT PLEADER SRI.R.RENJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 35913 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE AWARD DATED 22.11.2014 IN OPMV.NO.144/2009 OF MACT
PATHANAMTHITTA**

**P2: TRUE COPY OF THE RECOVERY NOTICE DATED 25.06.2015 UNDER SEC.7 OF
REVENUE RECOVERY ACT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 35913 of 2015

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner, who is aggrieved by the recovery steps initiated against him for recovery of amounts confirmed against him by an award of the Motor Accident Claims Tribunal, Pathanamthitta, seeks only the grant of installments to discharge the liability.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking into account the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

(i) If the petitioner pays the amount demanded in Ext.P2 demand notice in six equal and successive installments commencing from 15.12.2015, then further proceedings for recovery shall be kept in abeyance.

(ii) 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 respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE