

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937**

**WP(C).No. 36789 of 2015 (W)**  
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**PETITIONER(S) :**  
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**VIJAYAKRISHNAN NAIR P.G @ ANIL, AGED 37 YEARS,  
S/O.P. GOPINATHAN @ GOPIKUTTAN NAIR,  
CHARUVILA PUTHEN VEEDU, MAMKOOTTAM, ARUKALICKAL EAST,  
NEDUMON POST, EZHAMKULAM VILLAGE, ADOOR TALUK.**

**BY ADVS.SRI.MATHEW KURIAKOSE  
SRI.J.KRISHNAKUMAR (ADOOR)**

**RESPONDENT(S) :**  
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- 1. THE DISTRICT COLLECTOR,  
PATHANAMTHITTA - 689 645.**
- 2. THE TAHSILDAR,  
ADOOR TALUK, PATHANAMTHITTA DISTRICT - 689 693.**
- 3. THE DEPUTY TAHSILDAR (RR),  
ADOOR, PATHANAMTHITTA - 689 693.**
- 4. THE VILLAGE OFFICER,  
EZHAMKULAM VILLAGE, ADOOR, PATHANAMTHITTA - 691 554.**

**BY GOVERNMENT PLEADER SRI.R.RENJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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- P1: TRUE COPY OF THE COMMON AWARD DATED 02/09/2014 IN  
O.P (MV) NOS.1763 OF 2005, 1869 OF 2015 AND 89 OF 2006 ON THE FILES  
OF THE COURT OF THE MACT, PATHANAMTHITTA.**
- P2: TRUE COPY OF THE AWARD DATED 31/08/2009 IN O.P(MV)NO.53/2007 ON  
THE FILES OF MACT, PALA.**
- P3: TRUE COPY OF THE AFFIDAVIT AND APPLICATION IN I.A.NO.3198/2015 IN  
O.P(MV)NO.53 OF 2007 ON THE FILES OF THE MACT, PALA.**
- P4: TRUE COPY OF THE NOTICE DATED 13/04/2015 ISSUED UNDER SECTION  
7 OF THE R.R ACT (FORM NO.1).**
- P5: TRUE COPY OF THE NOTICE DATED 13/04/2015 ISSUED UNDER SECTION  
34 OF THE R.R ACT (FORM NO.10).**

**RESPONDENT(S)' EXHIBITS :**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**A.K.JAYASANKARAN NAMBIAR, J.**  
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**W.P.(C). No. 36789 of 2015**  
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**Dated this the 4<sup>th</sup> day of December, 2015**

**JUDGMENT**

The petitioner, who is faced with recovery proceedings for recovery of amounts confirmed against him by an award of the Motor Accident Claims Tribunal, Pala, submits that against Ext.P2 award, he has preferred Ext.P3 application to set aside the ex parte award passed against him. It is submitted that, in the meanwhile, recovery proceedings have been initiated against the recovery of amounts confirmed against him by Ext.P2 award.

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 note of the fact that the petitioner has since approach the MACT, Pala, with Ext.P3 application, I dispose the writ petition with the following directions:

- (i) The MACT, Pala, shall consider and pass orders on Ext.P3 application preferred by the

petitioner for setting aside Ext.P2 award, that was passed ex parte, within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner.

- (ii) Recovery steps initiated against the petitioner by Exts.P4 and P5 notices, shall be kept in abeyance, till such time as orders are passed by the MACT, Pala, as directed and communicated the same to the petitioner.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**