

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38442 of 2015 (E)

PETITIONER:

**K.J.BABU, S/O.JOSEPH,
KOCHUVEETIL HOUSE, KOOVAPPALLY P.O,
KOOVAPPALLY VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.JOSEKUTTY MATHEW
SRI.D.SREENATH**

RESPONDENT(S):

- 1. THE DEPUTY TAHASILDAR,
REVENUE RECOVERY, KANJIRAPALLY,
KANJIRAPALLY TALUK, KANJIRAPALLY P.O,
KOTTAYAM DISTRICT, PIN - 686507.**
- 2. THE VILLAGE OFFICER, KOOVAPPALLY VILLAGE,
KOOVAPPALLY P.O, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT, PIN - 686518.**
- 3. THE ICICI LAMBARD GIC LTD.,
KOTTAYAM, PIN - 686 002.**

**R1 & R2 BY GOVERNMENT PLEADER SMT.LILLY.K.T.
R3 BY ADVS. SRI.R.AJITH KUMAR (128/84)
SRI.AJITHKUMAR VARMA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE SALE LETTER DATED 20.09.1999.
- P2: TRUE COPY OF THE REGISTRATION PARTICULARS OF THE VEHICLE
NO. KL 05 D6186 DATED 03.04.2008.
- P3: TRUE COPY OF THE INSURANCE POLICE OF THE VEHICLE DATED 13.03.2008.
- P4: TRUE COPY OF THE AWARD IN OP(MV)NO.1745/2008 DATED 19.08.2011.
- P5: TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT TO
THE PETITIONER DATED 18.09.2015.
- P6: TRUE COPY OF THE IA.NO.6340/2015 IN OP(MV) NO.1745/2008
DATED 27.11.2015.
- P7: TRUE COPY OF THE IA.NO.6341/2015 IN OP.MV.NO.1745/2008
DATED 27.11.2015.
- P8: TRUE COPY OF THE IA.NO.6342/2015 IN OP.MV.NO.1745/2008
DATED 27.11.2015.
- P9: TRUE COPY OF THE NOTICE ISSUED BY THE PETITIONER TO THE 1ST AND
2ND RESPONDENT DATED 30.11.2015.
- P10: TRUE COPY OF THE POSTAL RECEITS DATED 30.11.2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 38442 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

The petitioner, who is faced with recovery steps for recovery of amounts confirmed against him by an award of the Motor Accident Claims Tribunal, Kottayam, submits that he has preferred Exts.P6 to P8 applications before the MACT seeking to set aside the ex parte award passed by the MACT, as also for condonation of delay and stay. The prayer in the writ petition is for a direction to the MACT, to consider and pass orders in the said applications expeditiously, and to keep in abeyance the recovery steps initiated against him, till then.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the 1st and 2nd respondents as also the learned Standing Counsel appearing for the 3rd respondent.

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, Kottayam to consider and pass orders on Exts.P6 to P8 applications, within a period of two

months from the date of receipt of a copy of this judgment, after hearing the petitioner and other affected parties. Recovery steps initiated against the petitioner by Ext.P5 demand notice, shall be kept in abeyance till such time as orders are passed by the MACT as directed.

The petitioner shall produce a copy of the writ petition, along with a copy of this judgment before the MACT, Kottayam, for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE