

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38684 of 2015 (I)

PETITIONER:

**SHIJI SUNNY
W/O. C.P. SUNNY
CHAKKALAKUDIYIL HOUSE
AVOLI,
MOOVATTUPUZHA**

BY ADV. SRI.L.DINESH MENON

RESPONDENT:

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
IDUKKI - 685 603**

BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE AGREEMENT DATED 31.03.2015**
- P2 : COPY OF THE REGULAR PERMIT**
- P3 : COPY OF THE RC BOOK OF KL-06-C 212**
- P4 : COPY OF THE WILL DATED 8.7.2015**
- P5 : COPY OF THE DEATH CERTIFICATE DATED 4.12.2015**
- P6: COPY OF THE AFFIDAVIT DATED 11.12.2015**
- P6: COPY OF THE POWER OF DECISION IN 2010(2) KLT 431**
- P7: COPY OF THE REQUEST DATED 11.12.2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 38684 OF 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner claims right over the vehicle and the permit by virtue of an alleged registered Will. Ext. P8 request has been made to transfer the vehicle and the permit in accordance with the alleged Will.

2. The Senior Government Pleader points out that the Will has to be established in a court of law. The same has to be done in accordance with the provisions of the Evidence Act and the Succession Act.

3. The petitioner contends that all the legal heirs of the original owner have no objection. Interest of justice would be met by directing the respondent to consider Ext. P8 request.

4. Ext. P8 request shall be considered with notice to the petitioner and the other legal heirs of the deceased owner/permit holder. The transfer shall not be effected if

anyone of the legal heirs object to it.

5. It is made clear that the transfer as above would be subject to the decision of any civil court. It is open to any of the parties to question the Will notwithstanding the transfer as ordered above. The respondent shall complete the exercise within a period of one month.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS