

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39360 of 2015 (T)

PETITIONER :

**SHANON JABBAR, AGED 25 YEARS, S/O.JABBAR.V.A.,
VANNUZHAMYALIL (H), THODUPUZZHA.P.O.,
IDUKKI DISTRICT.**

**BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.B.SURJITH
SRI.VISAKH ANTONY
SMT.R.ANJANA**

RESPONDENT(S):

- 1. THE NEW INDIA ASSURANCE CO. LTD.,
REPRESENTED BY ITS DIVISIONAL MANAGER,
POLACHIRACKAL CHAMBERS, P.B.NO.1109, K.K.ROAD,
KOTTAYAM-686 002.**
- 2. VILLAGE OFFICER, THODUPUZZHA VILLAGE,
THODUPUZZHA TALUK-685 584.**

**R1 BY ADV. SRI.A.A.ZIYAD RAHMAN
R2 BY GOVERNMENT PLEADER SMT. LILLY.K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.39360/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE AWARD DATED 21ST FEBRUARY 2015, IN O.P.(MV) NO.696/2013
IN THE FILES OF MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA.**
- P2 COPY OF THE DEMAND NOTICE, DATED 03/10/2015.**
- P3 COPY OF THE DISCHARGE SUMMARY, DATED 30/04/2012.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.39360 of 2015

Dated this the 23rd 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 Accidents Claims Tribunal (MACT), Pala, seeks only a grant of instalments to discharge his liability.

I have heard the learned counsel for the petitioner, the learned standing counsel for the 1st respondent and the learned Government Pleader for the 2nd respondent.

On a consideration of the facts and circumstances of the case and the submissions made across the Bar, and taking note of 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 amounts demanded through Ext.P2 notice in twelve equal and

successive monthly instalments, commencing from 05.01.2016 then the recovery steps initiated against him by the respondent 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

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