

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. 39386 of 2015 (W)

PETITIONER :

**SHAJI MATHEW, AGED 34 YEARS, S/O. MATHAI,
PUTHENPURAKKAL HOUSE, ERAPPUMPARA,
NJARALLOOR.P.O., KIZHAKKAMBALAM,
NOW RESIDING AT KAITHAKKATTUKARA, PATTIMATTOM.P.O.,
ERNAKULAM DISTRICT.**

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, KUNNATHUNAD, PERUMBAVOOR-683 542**
- 2. THE VILLAGE OFFICER, VILLAGE OFFICE,
PATTIMATTOM, PIN-683 562**

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.39386/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE AWARD IN O.P(MV) 1110/2009 DATED 14/05/2014 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA.**
- P2 COPY OF THE PETITION IN I.A. 217/2015 IN O.P(MV) NO.1110/2009**
- P3 COPY OF THE DEMAND NOTICE DATED NIL ISSUED BY THE 1ST RESPONDENT**
- P3(A) COPY OF THE DEMAND NOTICE PRIOR TO THE ATTACHMENT OF LAND DATED 26/06/2015 ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.39386 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) submits that he has preferred Ext.P2 application for setting aside the award and the same is pending before the MACT, Irinjalakkuda. The limited prayer in the writ petition is for a direction to MACT, Irinjalakkuda to consider and pass orders on Ext.P2 application for setting aside the ex-parte award expeditiously and to keep in abeyance the recovery steps initiated against the petitioner, till then.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submission made across the Bar, I dispose the writ petition with a direction to the MACT, Irinjalakkuda to consider and pass orders on Ext.P2 application preferred by the petitioner, within a period of two months from the date of receipt of a copy of

this judgment, after hearing the petitioner. Recovery steps pursuant to Exts.P3 and P3(a) notices shall be kept in abeyance till such time as orders are passed by the MACT, Irinjalakkuda as directed. The petitioner shall produce a copy of this writ petition along with a copy of this judgment before the MACT, Irinjalakkuda, for further action.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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