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. 39821 of 2015 (C)

PETITIONER(S):

OOMMEN THOMAS, AGED 46 YEARS,
S/O. THOMAS, THEKKIL HOUSE,
KURUMPAKARA, PATHANAPURAM P.O.,
ADOOR, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.MANOJ RAMASWAMY,
SMT.SANJANA R.NAIR,
SMT.V.SREEJA.

RESPONDENT(S):

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1. **THE DISTRICT COLLECTOR,**
   PATHANAMTHITTA DISTRICT UNIT,
   COLLECTORATE, PATHANAMTHITTA-689 645.

2. **TAHSILDAR, TALUK OFFICE,**
   REVENUE TOWER, ADOOR P.O.,
   PATHANAMTHITTA-689 645.

3. **THE VILLAGE OFFICER,**
   ENADHIMANGALAM VILLAGE OFFICE,
   ADOOR TALUK, PATHANAMTHITTA DISTRICT-689 645.

4. **RADHAMONY, W/O. SOMAN,**
   EDATHINAKOM HOUSE, MANTHURUTHY BHAGAM,
   CHAMBAKARA P.O., KARUKACHAL,
   KOTTAYAM-686 540.

5. **SONU, S/O. OMANAKUTTAN,**
   EDATHINAKOM HOUSE, MANTHURUTHY BHAGAM,
   CHAMBAKARA P.O., KARUKACHAL,
   KOTTAYAM-686 540.

R1 TO R3 BY GOVT. PLEADER SRI.R. RANJITH.

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

rs.

WP(C).No. 39821 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1	**COPY OF THE AWARD DATED 22/09/2012 IN OP(MV) NO.242/2011 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM.**
EXT.P2	**COPY OF THE DEMAND NOTICE DATED 30/10/2015.**
EXT.P3	**COPY OF THE REQUISITION FOR RECOVERY VIDE FORM 24 DATED 10/08/2015.**
EXT.P4	**COPY OF THE I.A. NO.6581/2015 IN OP(MV) NO.242/2011.**
EXT.P5	**COPY OF THE DELAY CONDONATION PETITION IN I.A. NO.6580/2015 IN OP(MV) NO.242/2011.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 39821 of 2015

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Dated this the 23nd 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, Kottayam, has filed Exts.P4 and P5 applications for setting aside the ex-parte award as also for condonation of delay in filing the aforesaid applications before the Tribunal. The limited prayer of the petitioner is for a direction to the MACT, Kottayam to consider and pass orders on Exts.P4 and P5 applications, expeditiously, and to keep in abeyance the recovery proceedings, till then.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

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.P4 and P5 applications preferred by the petitioner, within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner. Recovery

proceedings pursuant to Ext.P2 demand notice shall be kept in abeyance, till such time as orders are passed by the MACT on Exts.P4 and P5 applications, on condition that the petitioner pays an amount of Rs.2,00,000/- (Rupees two lakhs only) within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /23.12.15