IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

WEDNESDAY, THE 24TH DAY OF JULY 2024 / 2ND SRAVANA, 1946

WP(C) NO. 12873 OF 2024

PETITIONER/S:

1 PRAKASH R NAIR,
AGED 57 YEARS
S/O LATE RAVEENDRANATHAN NAIR, RESIDING AT NANI NIVAS, KOCHUPILAMMOODU, KOLLAM, PIN - 691001

2 PRATHAP R NAIR,
AGED 62 YEARS
S/O LATE RAVEENDRANATHAN NAIR, RESIDING AT AVANTHY, KOCHUPILAMMOODU, KOLLAM PIN, PIN - 691001

BY ADV A.JANI(KOLLAM)

RESPONDENT/S:

1 DEPUTY TAHSILDAR,
REVENUE RECOVERY SECTION, TALUK OFFICE, KOLLAM, PIN - 691013

2 TAHSILDAR,
REVENUE RECOVERY SECTION, TALUK OFFICE, KOLLAM, PIN - 691013

3 THE KOLLAM DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM, PIN - 691013

4 THE MANAGER,
UNITED INDIA INSURANCE CO LTD, BRANCH OFFICE, KOLLAM, PIN - 691001

OTHER PRESENT:

SRI. BINOY DAVIS-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The present Writ Petition has been filed impugning Ext.P6 notice dated 12.02.2024, whereby the Revenue Recovery notice has been issued in compliance of the award passed by the Motor Accidents Claim Tribunal, Mavelikkara in OP(MV) No.1403/2018 dated 31.12.2018. The claim petition came to be filed under Sec.166 of the Motor Vehicles Act by one S. Madhusudhanan. As the Court can make out, on 11.04.2021, at about 6.45 am, the claimant, Sri.S. Madhusudhanan was traveling in a mini lorry bearing Reg.No.KL-08-AM-9891 with his household items along the Alappuzha Kollam National Highway. When the vehicle reached near Tottappally, a tanker lorry bearing Reg. No. KL-02-W-9917 rammed against the mini lorry. The claimant who was working as a technical officer Grade B, in Indian Navy, Ministry of Defence, aged around 42 years, who was earning Rs.36,742/- got seriously injured in the accident. The petitioners that were the owner of the tanker that caused the accident to respondent No.2. Despite service of notice, the petitioners chose proceeds of not to participate in the proceedings of the claim petition. The Motor Accidents

Claims Tribunal passed the award in Ext.P2. The Insurance company was directed to remit the amount to the claimant and make recovery from the petitioners. As the award has not been challenged, this Court finds no ground to entertain the writ petition. Therefore, this Writ Petition is dismissed, leaving it open to the petitioners to take recourse to any other remedy as may be available to them under law.

sd/-

DINESH KUMAR SINGH

JUDGE

Nsd

APPENDIX OF WP(C) 12873/2024

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE DEATH CERTIFICATE DATED 07/01/2024 ISSUED BY REGISTRAR OF BIRTHS AND DEATHS, KOLLAM MUNICIPAL CORPORATION CONCERNING THE DEATH OF K. RAVINDRANATHAN NAIR**
Exhibit P 2	**A TRUE COPY OF THE AWARD DATED 20/12/2022 IN OP (MV) NO. 1403 OF 2018 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MAVELIKKARA**
Exhibit P3	**A TRUE COPY OF THE CERTIFICATE DATED 14/03/2024 ISSUED BY THE JOINT REGIONAL TRANSPORT OFFICER, KOLLAM**
Exhibit P4	**A TRUE COPY OF THE INTERIM APPLICATION IN I.A. NO. 1 OF 2023 IN OP (MV) NO. 1403 OF 2018 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MAVELIKKARA FILED BY THE FOURTH RESPONDENT AGAINST THE LATE FATHER OF THE WRIT PETITIONERS**
Exhibit P5	**A TRUE COPY OF ORDER DATED 14/09/2023 ALLOWED EXHIBIT P 4 PETITION IN I.A. NO. 1 OF 2023 OF MOTOR ACCIDENTS TRIBUNAL, MAVELIKKARA ORDER DATED 14/09/2023**
Exhibit P6	**A TRUE COPY OF THE NOTICE BEFORE ATTACHMENT DATED 12/02/2024 ISSUED BY THE SECOND RESPONDENT, DEPUTY TAHSILDAR, REVENUE RECOVERY, KOLLAM BEARING RRC NO. 2023/15108/04 UNDER SECTION 34 OF THE REVENUE RECOVERY ACT**
Exhibit P7	**A TRUE COPY OF I.A. NO. 1 OF 2024 IN O.P (MV) NO. 1403 OF 2018 BEFORE THE MOTOR ACCIDENTS CLAIM TRIBUNAL, MAVELIKKARA DATED 14/03/2024**
Exhibit P8	**A TRUE COPY OF I.A. NO. 2 OF 2024 IN O.P (MV) NO. 1403 OF 2018 BEFORE THE MOTOR ACCIDENTS CLAIM TRIBUNAL, MAVELIKKARA DATED 14/03/2024**
Exhibit P9	**A TRUE COPY OF I.A. NO. 3 OF 2024 IN O.P (MV) NO. 1403 OF 2018 BEFORE THE MOTOR ACCIDENTS CLAIM TRIBUNAL, MAVELIKKARA DATED 15/03/2024**
Exhibit P10	**A TRUE COPY OF THE REPRESENTATION IS SUBMITTED PETITIONERS THROUGH THEIR MANAGER MR. SREEKUMAR ON 16/03/2024**