

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 28437 of 2015 (D)

PETITIONER:

RAVEENDRAN AGED 67 YEARS
S/O. KUNJANVAVA, CHIRAPPURATH HOUSE, NEAR KURISUPALLY
KAIPUZHA, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

1. UNITED INDIA INSURANCE CO. LTD.
REPRESENTED BY DIVISIONAL MANAGER, KOTTAYAM-686001.

2. BRANCH MANAGER
UNITED INDIA INSURANCE CO. LTD., KOTTAYAM-686001.

BY SRI.P.K.MANOJ KUMAR,SC,UNITED INDIA INSU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28437 of 2015 (D)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1- TRUE COPY OF AWARD IN OP(MV) 280/2005.

EXHIBIT P2- TRUE COPY OF THE JUDGMENT DATED 19-1-2010 IN MACA NO.
2454/2009 OF THIS HON'BLE COURT.

EXHIBIT P3- TRUE COPY OF THE EXECUTION PETITION EP NO. 54/2014
IN OP(MV)NO. 280/2005.

EXHIBIT P4- TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER
AGAINST EXT. P3.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No. 28437 of 2015

Dated this the 30th day of October 2015

JUDGMENT

The petitioner, who apprehends revenue recovery action at the instance of the respondents for realisation of amounts that were confirmed against the petitioner in an Award of the Motor Accident Claims Tribunal, Kottayam, in O.P(MV).No.280/05, seeks only the grant of installments to discharge his liability to the respondents. It is the case of the petitioner that, by Ext.P2 judgment of this Court, the Award of the MACT, Kottayam was modified and the liability of the petitioner stands reduced to some extent. It is submitted that in the execution petition filed before the MACT, Kottayam, the exact amount to be paid by the petitioner has not been quantified and proceedings are still underway before the said court for quantifying the amount due from the petitioner to the respondents. The learned counsel for the respondents would submit that after giving effect to Ext.P2 judgment, the amount realisable from the petitioner as on today, would be Rs.1,27,490/-. Accordingly, I dispose the writ petition with the following directions.

(i) If the petitioner pays the said amount of

Rs.1,27,490/- together with accrued interest in ten equal and successive monthly installments, commencing from 16.11.2015, before the MACT, Kottayam, then the further proceedings for recovery of the said amounts from the petitioner by recourse to revenue recovery proceedings, shall be kept in abeyance.

(ii) The amounts paid by the petitioner to MACT, Kottayam shall be kept by the said Tribunal in their custody and dealt with in accordance with the order to be passed by the Tribunal in E.P.No.54/2014 in OP(MV). No.280/05.

(iii) It is further 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 respondents will be free to proceed against the petitioner for recovering the said amount.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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