

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 28TH DAY OF SEPTEMBER 2018 / 6TH ASWINA, 1940

OP (MAC) .No. 69 of 2018

IN OP (MV) 131/2016 of M.A.C.T., OTTAPPALAM

PETITIONERS/RESPONDENTS 1 & 2:

- 1 MOIDEEN
AGED 22 YEARS, S/O. HAMZA, POOVAKKUZHI HOUSE, KANAYAM
P.O, SHORANUR, OTTAPALAM TALUK, PIN 679 125.
- 2 SAJI MON
S/O. HAMZA, POOVAKKUZHI HOUSE, KANAYAM, P.O. SHORANUR,
OTTAPALAM TALUK, PIN 679 125.

BY ADVS.
SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU

RESPONDENT/PETITIONER:

ARJUN
S/O. BHASKARAN, PARAPPIL HOUSE, VADANAMKURUSSE
P.O, SHORANUR, OTTAPALAM TALUK, PALAKKAD DISTRICT PIN
679 124.

BY ADV. SRI.P.JAYARAM

THIS OP (MAC) HAVING BEEN FINALLY HEARD ON 28.09.2018, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

J U D G M E N T

The petitioners, who are respondents 1 and 2 before the Motor Accident Claims Tribunal, Ottappalam, in O.P. (MV) No. 131/2016, have filed this original petition under Article 227 of the Constitution of India, seeking an order directing the Tribunal to grant equal monthly instalments to pay off the amount claimed in Ext.P2 interlocutory application, which is one filed by the respondents herein for initiating revenue recovery proceedings against the petitioners.

2. On 11.6.2018 when this original petition came up for admission, this Court admitted the matter on file and ordered notice to the respondent, who is the claimant in O.P. (MV) No. 131/2016.

3. Heard the learned counsel for the petitioners and also the learned counsel for the

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respondent, who is the claimant before the Tribunal.

4. The only relief sought for in this original petition is an order directing the Motor Accident Claims Tribunal, Ottappalam, to permit the petitioners to pay off the entire amount covered by the award in OP(MV) No.131/2016 in monthly instalments.

5. Learned counsel for the respondent/claimant would submit that the petitioners can be granted a reasonable opportunity to pay the entire amount covered by the award, in monthly instalments.

Having considered the submissions made by the learned counsel on both sides, this original petition is disposed of with the following directions;

(i) The Motor Accidents Claim Tribunal, Ottapalam, shall permit the petitioners, who

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are respondents 1 and 2 in OP(MV) No. 131/2016, the entire amount in terms of the award passed by the Tribunal in O.P.(MV) No.131/2016, together with future interest, in **ten** equal monthly instalments commencing from **15.10.2018** and the subsequent instalments payable on or before the 15th day of the succeeding months.

(ii) In case of any default committed by the petitioners in remitting any one of the aforesaid instalments, the Tribunal shall initiate coercive steps against the petitioners, invoking the proceedings under the Kerala Revenue Recovery Act.

All pending interlocutory applications are closed.

Sd/-
ANIL K. NARENDRAN
JUDGE

ami/29.9.18

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1	THE TRUE COPY OF THE AWARD DATED 18-08-2017 IN O.P (MV) NO 131/2016 ON THE FILE OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPPALAM.
EXHIBIT P2	THE TRUE COPY OF THE I.A NO 190/2018 O.P (M.V) 131/2016 ON THE FILE OF MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPPALAM.
EXHIBIT P3	TRUE COPY OF THE OBJECTION FILED BY THE 1ST PETITIONER
EXHIBIT P4	TRUE COPY OF THE OBJECTION FILED BY THE 2ND PETITIONER
EXHIBIT P5	TRUE COPY OF THE MEMO DATED 13.6.2018 FILED BY THE PETS' COUNSEL EVIDENCING THE PRODUCTION OF PAY ORDER
EXHIBIT P6	TRUE COPY OF THE ORDER DATED 14.6.2018 IN I.A.NO.190/2018 IN O.P. (MV) NO.131/2016 ON THE FILE OF MACT, OTTAPPALAM.

//TRUE COPY//

P.A.TO JUDGE

ami/