

(2023) 10 KL CK 0047

In the High Court Of Kerala

Case No : Writ Petition (C) No. 32918 Of 2023

Aji Kumar

APPELLANT

Vs

Deputy Tahsildar Chittur Taluk

RESPONDENT

Date of Decision : 06-10-2023

Acts Referred:

Citation : (2023) 10 KL CK 0047

Hon'ble Judges : Dinesh Kumar Singh, J

Bench : Single Bench

Advocate : Revathi.B, Ripple Hamza

Final Decision : Dismissed

Judgement

Dinesh Kumar Singh, J

1. The present writ petition has been filed impugning Exhibit P1 demand notice dated 23.09.2023, which has been issued for the satisfaction of Exhibit P2 award dated 16.09.2017 passed by the Motor Accident Claims Tribunal, Palakkad in O.P. (MV) No. 833 of 2015.

2. Exhibit P2 award discloses that the petitioner, who is the owner of the offending vehicle, had not chosen to appear before the Tribunal, despite service of notice and the Tribunal passed the award for an amount of Rs.44,18,080/- with interest at the rate of 9% interest from the date of petition till the date of deposit with proportionate cost. The learned counsel for the petitioner submits that the petitioner was unaware of the award and the proceedings. The said contention, prima facie, does not appear to be correct.

3. On a reading of Exhibit P2 award, it is clear that the petitioner and the driver of the vehicle remained absent, despite service of notice and they were set ex parte. This Court is not inclined to entertain this writ petition and the same is accordingly dismissed. The petitioner may take recourse to any other remedy available to him under law, against the impugned recovery notice. However,

considering the facts and circumstances, for a period of one week, the impugned recovery notice shall not be enforced.