
(2023) 06 KL CK 0219
In the High Court Of Kerala
Case No : Writ Petition (C) No. 16144 Of 2023

Madhavan Nambair. P

APPELLANT

Vs

Vineeth

RESPONDENT

Date of Decision : 15-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0219

Hon'ble Judges : C.S.Dias, J

Bench : Single Bench

Advocate : M.K.Sumod, Vidya M.K., Raj Carolin V, Thushara.K, Padma Lakshmi, Sreejith V S

Final Decision : Disposed Of

Judgement

C.S.Dias, J.

1. This writ petition is filed, to direct the third respondent to initiate proceedings under the Revenue Recovery Act for the purpose of recovering the amount covered by Ext.P1 award passed by the Motor Accidents Claims Tribunal, Thalassery.

2. The petitioner's case is that, Ext.P1 award was passed in his favour to realise an amount of Rs.2,70,000/- from the respondents 1 and 2, with interest at the rate of 8% annum from 21.12.2017. Even though Ext.P1 award has attained finality, the respondents 1 and 2 have not paid the compensation amount. The third respondent is bound to recover the amount covered by Ext.P1 under the Revenue Recovery Act from respondents 1 and 2. Consequently, on an application filed by the petitioner, the Tribunal has passed Ext.P2 order, issuing a certificate under Section 174 of the Motor Vehicles Act to the first respondent to recover the compensation amount from the respondents 1 and 2. The said order was passed on 16.12.2021, but still there is inaction of the part of the third respondent. Hence, the writ petition.

3. Heard; Sri.M.K.Sumod the learned counsel for the petitioner and Sri.Sreejith

V.S., the learned Government Pleader appearing for the respondents 3 and 4.

4. In view of the limited reliefs that I proposes to pass, I dispense with the notice to respondents 1 and 2.

5. Having considered the pleadings and materials on record and taking note of the fact that the Tribunal has passed Ext.P2 order on 16.12.2021, directing the third respondent to issue a certificate for initiating proceedings under the Revenue Recovery Act, to realise compensation amount covered by Ext.P1 award from the respondents 1 and 2 and the same has not being done, I deem it appropriate to dispose of the writ petition as follows:

i) The third respondent is directed to initiate proceedings on the strength of Ext.P2 passed by the Tribunal, in accordance with law and as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment and recover the compensation amount pursuant to Ext.P1 award and pay the same to the petitioner.

The writ petition is ordered accordingly.