
(2021) 08 KL CK 0185
In the High Court Of Kerala
Case No : Writ Petition (C) No. 8464 Of 2021

Shibeesh

APPELLANT

Vs

United India Insurance Company Limited

RESPONDENT

Date of Decision : 27-08-2021

Acts Referred:

Citation : (2021) 08 KL CK 0185

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : K.P.Susmitha, T.M.Khalid, Bimal K. Nath

Final Decision : Disposed Of

Judgement

Sathish Ninan, J

1. Revenue recovery proceedings have been initiated against the petitioners as per Exts.P1 and P2 notices, for recovery of an ex parte award passed by the MACT, Kozhikode. The Tribunal found that the accident occurred on 25.11.2009 and that the policy (Ext.A5 produced therein) had expired on 24.04.2009. Along with the writ petition, the petitioners have produced Ext.P4, stated to be the photostat copy of the policy covering the period from 01.05.2009 to 30.04.2010, which apparently seems to take in the date of accident also. Seeking to set aside the ex parte award and to condone the delay, the petitioners have filed Exts.P5 and P6 applications as IA Nos.2 of 2021 and 1 of 2021 which are pending.
2. On the facts as noticed, I am of the opinion that the proceedings for recovery of the award amount could be put on hold till Exts.P5 and P6 applications are disposed of by the Tribunal.

Accordingly, the writ petition is disposed of directing the Motor Accidents Claims

Tribunal, Kozhikode, to consider and pass orders on I.A. Nos.2 of

2021 and 1 of 2021 in OP (MV) No.1038/2010 as expeditiously as possible and at any rate within a period of six months from the date of receipt of a

copy of this judgment. Till orders are passed as afore, recovery of amounts pursuant to the award dated 31.12.2010 of the Motor Accidents Claims

Tribunal, Kozhikode, shall remain stayed. The petitioner shall produce a certified copy of this judgment before the Tribunal within a week.