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Babu P.U vs Abraham

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SooperKanoon Citation : sooperkanoon.com/1847375

Court : Kerala Orders

Decided On : Jan-04-2019

Judge : Honourable Mr. Justice Anil K.Narendran

Appeal No. : WP(C)/141/2019

Appellant : Babu P.U

Respondent : Abraham

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN FRIDAY, THE 04TH DAY OF JANUARY 2019 / 14TH POUSHA, 1940 WP(C).No. 141 of 2019 PETITIONER: BABU P.U., AGED 55 YEARS, S/O. ULAHANNAN, PANTHANATHOTTATHIL HOUSE, OORAMANA P.O, MEMURY, ERNAKULAM DISTRICT. BY ADV. SRI.JOBY JACOB PULICKEKUDY SRI.ANIL GEORGE RESPONDENTS: 1 ABRAHAM, AGED 57 YEARS, S/O. K.I THOMAS, KARAYAKALLIL @ KARAYAPARAMBIL HOUSE, MEMURY KARA, PAMPAKUDA, MUVATTUPUZHA, ERNAKULAM DISTRICT - 686 667. 2 LINU SUSAN, D/O. BABU P.U, PANTHANATHOTTATHIL HOUSE, OORAMANA P.O, MEMURY, ERNAKULAM DISTRICT-682317 3 NATIONAL INSURANCE

COMPANY LTD., KOLENCHERRY, ERNAKULAM 682 311. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.01.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C)141 OF 2019 2

JUDGMENT

The petitioner has filed this writ petition under Article 226 of the

Constitution of India, seeking a writ of certiorari to quash Ext.P5 order

dated 21.11.2018 in I.A.No.2012 of 2017 in O.P.(MV)No.490 of 2013 of the Motor Accidents Claims Tribunal, Muvattupuzha; a writ of certiorari to quash Exts.P2 and P3 demand notices dated 02.11.2018 and 27.11.2018 respectively issued by the Deputy Tahsildar, Muvattupuzha; and a writ of Mandamus to dispose of I.A.No.2012 of 2017 in O.P.(MV)No.490 of 2013 on the file of the Motor Accidents Claims Tribunal, Muvattupuzha, after issuing notice and giving opportunity for settlement, if any.

2. Ext.P5 order is one issued by the Motor Accidents Claims Tribunal, Muvattupuzha in I.A.No.2012 of 2017 in O.P.(MV)No.490 of

2013. If the petitioner is feeling aggrieved by Ext.P5 order of the

Tribunal, his remedy is to file an O.P.(MAC), invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. Similarly, if the petitioner wants reconsideration of I.A.No.2012 of 2017 by the Tribunal, he has to invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. On the other hand, if the petitioner requires only a reasonable time to pay off the dues covered by the award in O.P.(MV)No.490 of 2013, as demanded

WP(C)141 OF 2019 3 in Exts.P2 and P3 demand notices, it is for him to file a writ petition under Article 226, seeking appropriate reliefs.

3. The learned counsel for the petitioner seeks permission to withdraw this writ petition without prejudice to his right to file a proper petition. Recording the above submission made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn, reserving the aforesaid right of the petitioner.

Sd/- ANIL K. NARENDRAN JUDGE yd WP(C)141 OF 2019 4 APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE PHOTOCOPY OF AWARD DATED 19-09-2015 ON THE FILES OF M.A.C.T MUVATTUPUZHA EXHIBIT P2 THE TRUE PHOTOCOPY OF NOTICE DATED 02- 11-2018 ISSUED UNDER SECTION 7 OF THE EXHIBIT P3 THE TRUE PHOTOCOPY OF NOTICE DATED 27- 11-2018 ISSUED UNDER SECTION 34 OF THE EXHIBIT P4 THE TRUE PHOTOCOPY OF I.A NO. 2012/2017 IN O.P(M.V) NO. 490/2013 FILED BY THE 3RD RESPONDENT EXHIBIT P5 THE TRUE PHOTOCOPY OF ORDER DATED 21-11-

2018 IN I.A NO. 2012/2017 IN O.P (MV) NO. 490/2013 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MUVATTUPUZHA. RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A. TO JUDGE

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