

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

OP (MAC).No. 29 of 2015 (O)

OP(MV)712/2010 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, VATAKARA.
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PETITIONER:

**NIRMALA @ LAKSHMIKUTTY,
W/O.LEELADHARAN NAIR, AGED 54 YEARS,
KAVIL THODIYIL HOUSE,
GURUVAYOORAPPAN COLLEGE P.O.,
KOZHAIKODE.**

**BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENT:

**THE NEW INDIA ASSURANCE COMPANY LIMITED,
AL-MUBARACK BUILDING, EDODI, VATAKARA,
KOZHAIKODE - 673 101.**

BY ADV.SRI.A.A.ZIYAD RAHMAN

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 12-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP (MAC).No. 29 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE AWARD OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, VATAKARA IN OP (MV) NO.712/2010 DATED 17/10/2013.
- EXT.P2: TRUE COPY OF THE AFFIDAVIT AND PETITIONER IN IA NO.2656/2014 IN OP (MV) NO.712/2010 FILED BY THE PETITIONER DATED 18/9/2014.
- EXT.P3: TRUE COPY OF ORDER IN IA.NO.2656/2014 IN OP (MV) NO.712/2010 DATED 21/11/2014 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, VADAKARA.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

OP(MAC) No. 29 of 2015

Dated this the 12th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the order passed at Ext.p3. The petitioner along with her husband and daughter filed an application for compensation before the Motor Accidents Claims Tribunal, Vatakara with respect to the death of her son in an accident. The accident occurred on 05.03.2010 and award in the claim petition was passed on 17.10.2013. An amount of Rs.4,83,000/- with 7.5% interest per annum was awarded. Pursuant to the award, the Insurance Company deposited Rs. 5,70,883/- which was directed to be deposited in a fixed deposit for a period of three years.

2. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the Insurance Company.

3. The Motor Accidents Claims Tribunal, on a

consideration of the averments made in the affidavit, directed release of an amount of Rs.50000/- . It is to be noticed that but for contending that the amount is required for the treatment of the husband of the petitioner, nothing further is stated in the affidavit. There is also no mention of the exact amount needed for such treatment. In such circumstance, this Court is of the opinion that no interference can be caused to the orders of the Tribunal. However, if the petitioner files a fresh application with sufficient evidence to indicate the ailment of the husband of the petitioner as also the estimate of the amount required for the treatment, then, definitely, the Motor Accidents Claims Tribunal would reconsider the issue on the basis of the decision in **A.V Padma v. R.Venugopal (2012 (3) SCC 378)**.

The Original Petition stands closed with the above observations.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

//P.A to Judge//