

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

OP (MAC).No. 31 of 2015 (O)

PETITIONERS/PETITIONERS:

- 1. LILY KUTTY @ MARIYAMMA, AGED 49 YEARS
W/O. LATE GEEVARGHESE, PANAMUKALIL PUTHEN VEEDU
CHENKULAM P.O., POOYAPPALLY, KOLLAM.**
- 2. LIBU GEEVARGHESE, AGED 27 YEARS
S/O. LATE GEEVARGHESE, PANAMUKALIL PUTHEN VEEDU
CHENKULAM P.O., POOYAPPALLY, KOLLAM.**
- 3. SHIBU VARGHESE AGED 26 YEARS
LATE GEEVARGHESE, PANAMUKALIL PUTHEN VEEDU
CHENKULAM P.O., POOYAPPALLY, KOLLAM.**

BY ADV. SRI.SAJU J. PANICKER

RESPONDENTS/JUDGMENT DEBTORS/DEFENDANTS:

- 1. THE MANAGING DIRECTOR
K.S.R.T.C, THIRUVANANTHAPURAM.**
- 2. MURALI MOHANLAL
S/O. BHASKHARAN, CHEKKUNKAL CHERRY, OLAMATTOM KARAYIL
THODUPUZHA VILLAGE, THODUPUZHA TALUK
NOW RESIDING AT T.C. 4/958, CHITHIRA NAGAR
NEAR KAWADIAR JUNCTION, KAWADIAR VILLAGE
THIRUVANANTHAPURAM.**
- 3. SOSAMMA, AGED 73 YEARS
M/O. LATE GEEVARGHESE, PANAMUKALIL PUTHEN VEEDU
CHENKULAM P.O., POOYAPPALLY, KOLLAM (EXPIRED).**

**R1 BY ADV.SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT
CORPORATION**

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

OP (MAC).No. 31 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- THE TRUE COPY OF THE AWARD DATED 26-05-2010 IN OP(MV) 588/2006 OF THE IIND ADDITIONAL M.A.C.T. KOLLAM.

EXHIBIT P2- THE TRUE COPY OF THE AGREEMENT FOR SALE DATED 18-11-2014.

EXHIBIT P3- THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 1ST PETITIONER.

EXHIBIT P4- THE TRUE COPY OF THE AFFIDAVITS FILED BY THE 2ND AND 3RD PETITIONER.

EXHIBIT P5- THE TRUE COPY OF THE COMMON ORDER DATED 7-01-2015 IN I.A.NOS. 6437/2014, 6438/2014 AND 6439/2014 IN OP(MV)NO. 588/2006 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOLLAM.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

O.P.(MAC). No. 31 of 2015

Dated this the 26th day of March, 2015

JUDGMENT

Each of the petitioners are entitled to a sum of Rs. 1,14,691/- with interest. The amount is covered by three fixed deposit receipts. The amount is due under an award passed by the Motor Accidents Claims Tribunal, Kollam.

2. The petitioners seek disbursement of the amount in deposits. The reason stated is that a property is proposed to be purchased. This has been disbelieved by the Motor Accidents Claims Tribunal, Kollam. The reason is that the property is being purchased in the name of the second petitioner alone.

3. It is now conceded that the property can be purchased jointly in the name of all the three petitioners. Therefore a draft sale deed in the name of all the three petitioners shall be produced in the court below. The same shall be approved by the Motor Accidents Claims

Tribunal, Kollam. The amount covered by the fixed deposits can thereafter be released to the petitioners. It shall be ensured that the property is purchased pursuant to the draft sale deed. Any violation thereafter will expose the petitioners to contempt.

4. Ext. P5 order is accordingly set aside. The Motor Accidents Claims Tribunal, Kollam is directed to go ahead in accordance with the directions above.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS