

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

OP (MAC).No. 40 of 2015 (O)

**AGAINST THE JUDGMENT IN O.P.(MV) 1746/2006 of MOTOR ACCIDENTS
CLAIMS TRIBUNAL, ALAPPUZHA DATED 30.07.2013**
.....

PETITIONER:

**SAIJU S.K, AGED 37 YEARS
S/O. SOMAN, PUTHENPURA HOUSE
CHENNAMKARY, AKARAPADAM P.O.,
VAIKOM TALUK'**

BY ADV. SRI.B.PRAMOD

RESPONDENT:

**THE NEW INDIA ASSURANCE COMPANY
THIRUVANANTHAPURAM BRANCH**

BY SRI.A.A.ZIYAD RAHMAN

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 23-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

OP (MAC).No. 40 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE JUDGMENT DATED 30.07.2013 IN O.P.(M.V) NO. 1746/2006 OF THE MACT, ALAPPUZHA**
- EXT.P2: TRUE COPY OF THE LETTER DATED 27.01.2014 ISSUED BY THE RESPONDENT**
- EXT.P3: TRUE COPY OF THE I.A. NO. 1767/2014 IN O.P. (M.V.) NO. 1746/2006 OF THE MACT, ALAPPUZHA**
- EXT.P4: TRUE COPY OF THE CERTIFICATE DATED 03.06.2014 ISSUED BY THE VICE-PRESIDENT OF MARAVANTHURUTHU PANCHAYATH**
- EXT.P5: TRUE COPY OF THE ORDER DATED 17.06.2014 IN I.A. NO. 1767/2014 IN O.P. (MV) NO. 1746/2006 OF THE MACT, ALAPPUZHA**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

O.P.(MAC). NO. 40 OF 2015

Dated this the 23rd day of March, 2015

JUDGMENT

Heard the counsel for the petitioner and the Standing Counsel for the respondent. An application for release of the amount in deposit has not been considered on merits.

2. I quash Ext. P5 order and direct the Motor Accidents Claims Tribunal, Alappuzha to reconsider the application. The same shall be done in the light of the dictum laid down in **Padma A.V. and Others v. R. Venugopal and Others [2012(1) KLT 546]** and **Riyas v. Aiysha [2013 (4) KLT 1012]**. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS