

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYASHTA, 1937

OP (MAC).No. 79 of 2015 (O)

**I.A. NO.5862/2014 IN OPMV.119/2008 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,
KOLLAM.**

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PETITIONERS/CLAIMANTS:

- 1. AYANA, D/O.SUBRAHMANIYAN,
AGED 8 YEARS, CHEMPAKASSERIL,
AMRITHAPURAM, ALAPPAD, KARUNAGAPPALLY,
KOLLAM, (MINOR REPRESENTED BY THE
2ND PETITIONER MOTHER).**
- 2. SREEDEVI, W/O.SUBRAHMANIAN,
CHEMPAKASSERIL, AMRITHAPURAM,
ALAPPAD, KARUNAGAPPALLY, KOLLAM.**

**BY ADVS.SRI.K.SIJU,
SMT.S.SEETHA,
SMT.NIMA JACOB.**

RESPONDENT(S):

**THE MANAGER,
ORIENTAL INSURANCE COMPANY LIMITED,
RAMAKRISHNA BUILDING, THAMAPANOOR,
THIRUVANANTHAPURAM-695 001.**

BY ADV. SMT.K.S.SANTHI, SC.

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 15-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP (MAC).No. 79 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1 : THE COPY OF AWARD PASSED BY THE MACT, KOLLAM IN
OP(MV).NO.119/2008 DATED 18-01-2012.**

P2 : THE COPY OF IA.NO.5862/2014 DATED 29-10-2014 IN OP(MV).NO.119/2008.

**P3 : THE COPY OF ORDER DATED 19-11-2014 IN IA.NO.5862/2014 IN
OP(MV).NO.119/2008 PASSED BY THE MACT, KOLLAM.**

P4 : THE COPY OF AGREEMENT DATED 18-05-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

O.P.(MAC) No. 79 of 2015

Dated this the 15th day of June, 2015.

JUDGMENT

The petitioner has approached this Court with an original petition for a direction to the Motor Accident Claim Tribunal, Kollam to disburse the awarded amount which deposited in the name of the minor petitioner for the purchase of the property.

2. The 1st petitioner is the minor decree holder in O.P. (M.V.) No.119/2008 before the Motor Accident Claim Tribunal, Kollam. The Tribunal passed Ext.P1 award granting compensation and directed fixed deposit of the award amount in the name of the minor after permitting the second respondent mother to receive Rs.1,00,000/-. The petitioners approached the MACT, Kollam by Ext.P2 petition for disbursal of the fixed deposit amount for purchasing a property in the name of minor. However, the same was dismissed. The petitioners allege that they have entered into an agreement to purchase 1.62 Ares of property and a residential building therein in

Adinadu Village in the name of minor. The period of agreement will expire on 25.6.2015. If the Tribunal does not permit the release of the amount, they will lose a better investment option.

3. Arguments have been heard.

4. The learned MACT cannot be found fault with for restricting the release as the learned Tribunal is bound by the directions of the apex court in **KSRTC v. Susamma Thomas [1994 (2) SCC 176]**.

However, as it is submitted that the intention of the petitioner is to purchase the property in the name of the minor, the writ petition is disposed of directing the MACT, Kollam to release the amount now kept in deposit in the name of minor petitioner ensuring that the amount is utilised only for the purpose of purchase of the property in the minor. This can be done by issuing the sale consideration by way of demand draft directly to the intending seller.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.