

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 JYAISHTA, 1937

OP (MAC).No. 80 of 2015 (O)

IN OPMV 54/2012 of IIND ADDITIONAL MOTOR ACCIDENTS CLAIMS
TRIBUNAL, KASARAGOD

PETITIONER(S) :

RAJI K.R.,
D/O.LATE RAJAN K.K, KATTIPOYIL,
CHITTARIKKAL AMSOM,
KAMBALLOOR DESOM, KAMBALLOOR P.O.,
KASARAGOD DISTRICT.

BY ADV. SRI.B.PREMNATH (E).

RESPONDENT(S) :

1. ANEESH M.A.,
S/O.SISILY AUGUSTINE, MATTATHIL HOUSE,
KAPIKKARA, EDAVARAMBA P.O.,
KANNUR DISTRICT-670 511.
2. SEBASTIAN,
S/O.JOY SEBASTIAN, KAROTTAYIL HOUSE,
P.O JOSGIRI, CHERUPUZHA,
TALIPARAMBA TALUK, KANNUR DISTRICT-685 565.
3. THE NEW INDIA ASSURANCE COMPANY LIMITED,
PAYYANNUR P.O.

BY ADV. SRI.A.A.ZIYAD RAHMAN

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

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1. COPY OF THE AWARD OF THE HONOURABLE 11ND ADDITIONAL
MOTOR ACCIDENTS CLAIMS TRIBUNAL, KASARAGODE IN OP(MV)
NO.54/2012 DATED 18.3.14.

EXHIBIT P2. COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE 11ND ADDITIONAL MOTOR ACCIDENTS CLAIMS TRIBUNAL.

EXHIBIT P3. COPY OF THE PETITION BEFORE THE PRESIDENT OF THE BAR
ASSOCIATION PAYYANNUR AND THE SECRETARY, BAR COUNCIL
DATED 18.10.14.

EXHIBIT P4. COPY OF THE COMMUNICATION OF THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE II, KASARAGOD (I/C) DATED
13.11.14.

EXHIBIT P5. COPY OF THE JUDGMENT IN OP(MAC)NO.23/2015 DATED
02/03/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

O.P.(MAC) No. 80 of 2015

Dated this the 15th day of June, 2015.

JUDGMENT

Aggrieved by the non-release of the cheque for Rs.1,00,000/-, which was ordered to be released to the petitioner as per order dated 20.9.2014 on I.A.No.1846 of 2014, the petitioner has come up before this Court.

2. The petitioner is the daughter of Shri.K.K.Rajan, who died in a motor accident on 27.2.2009. She, her mother, her grandmother and her minor siblings filed O.P MV No.54 of 2012 before the MACT, Kasaragode, claiming compensation from the respondents. The Tribunal awarded a compensation of Rs.7,32,500/- with interest at 9% p.a. from 27.12.2011 till its realisation with proportionate cost payable by the third respondent. The learned MACT, by order dated 20.9.2014 in I.A.No.1846/2014 ordered to release Rs.1 lakh to the petitioner. She could not get that cheque due to the non-co-operation by her lawyer. The normal procedure in ordering

release of the cheque for compensation is to get the party identified by the lawyer engaged by the party. Therefore, the petitioner is unable to get the release of the cheque amount; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned counsel for the respondent Insurance Company in the matter.

4. It appears from the records that the difficulty expressed by the learned MACT in releasing the cheque was the absence of a proper identification of the petitioner signature. This Court is of the view that, the proper course is to direct the petitioner to produce a proper ID proof so that the petitioner can get the amount without waiting for the counsel concerned.

Therefore, the original petition is disposed of directing the Second Additional Motor Accidents Claims Tribunal, Kasaragod to release the cheque on production of proper ID proof by the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.