

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

OP (MAC).No. 91 of 2015 (O)

**IA NO. 2529/15 IN OP(MV) NO. 863/05 OF MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUR.**

PETITIONER/PETITIONER/PETITIONER:

**ALIKUTTY, S/O ABDUL KADAR(LATE),
AGED 35 YEARS, CHANDANATHEDIL HOUSE,
P.O. CHIRAVALLOR, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S)/RESPONDENT(S)/RESPONDENT(S):

- 1. AKBER, S/O KUNHIBAVA,
ALIAMKKANAKATH HOUSE, P.O.PONNANI SOUTH,
MALAPPURAM DISTRICT, PIN- 679 586(DRIVER)**
- 2. GAFOOR K.T, S/O IMBICHI BAVA,
KOMBANTHORAIYIL HOUSE, P.O.PONNANI SOUTH,
MALAPPURAM DISTRICT, PIN- 679 586(OWNER)**
- 3. THE UNITED INDIA INSURANCE COMPANY LIMITED,
BRANCH OFFICE WESTERN WING,
AMBADI BUILDING, P.O. PONNANI,
MALAPPURAM DISTRICT, PIN- 6789 586(INSURER)**

R3 BY SRI.JOHN JOSEPH VETTIKAD

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 09-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP (MAC).No. 91 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: THE TRUE COPY OF THE AWARD DATED 9/2/09 IN OP(MV) 863/05 OF
THE MACT, TIRUR.

EXT.P2: THE TRUE COPY OF THE IA NO. 2529/15 IN OP(MV) NO. 863/05
DATED 23/6/15.

EXT.P3: THE TRUE COPY OF THE IA NO. 2421/15 IN OP(MV) NO. 863/05
DATED 23/6/15.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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OP(MAC) No.91 of 2015

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Dated this the 9th day of July, 2015

JUDGMENT

The petitioner is seeking a direction to the Motor Accidents Claims Tribunal, Tirur to hear and dispose of Ext.P2 for release of the fixed deposit in favour of the petitioner and Ext.P3 without delay.

2. The petitioner is the claimant in OP(MV) No.863 of 2005 on the files of the Motor Accidents Claims Tribunal, Tirur. The respondents herein are the respondents in the above original petition. The original petition was filed seeking compensation of ₹10 lakhs for the injuries sustained by the petitioner in a motor vehicle accident. The learned Tribunal was pleased to allow the original petition in part granting compensation to the tune of ₹1,70,040/- for the injury sustained. The petitioner alleges that out of the aforesaid amount, ₹90,000/- was paid to him and the balance amount was deposited with the Central Bank, Tirur branch.

3. The petitioner alleges that he is in urgent need of the money to repair his house and to pay of his debts. Therefore, he submitted Ext.P2 application to release the fixed deposit. Since he recovered from mental illness, he filed Ext.P3 application to discharge his next friend. The grievance of the petitioner is that the learned Tribunal did not hear and dispose of the applications till date. It is with this background, the petitioner has come up before this Court.

4. Heard the learned counsel for the petitioner.

5. Considering the nature of the relief sought for, this Court is of the view that this writ petition can be disposed of even without issuing notice to the respondents.

6. As it appears from the materials now placed on record that the petitioner is in need of money for genuine reasons, the writ petition is disposed of directing the Motor Accidents Claims Tribunal, Tirur to consider the petitioner's application for release of fixed deposit (Ext.P2) and pass positive orders within a period of two

weeks from the date of receipt of a copy of this judgment. It is open to the petitioner to place the copy of this judgment before the Tribunal for favourable orders.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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