

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

OP (MAC).No. 95 of 2015 (O)

**-----
AGAINST THE ORDER IN OPMV 1049/2013 of MOTOR ACCIDENTS CLAIMS
TRIBUNAL, ATTINGAL DATED 02.06.2015
-----**

PETITIONER:

**-----
GOMATHY P.
T.C.3/1378, JAYACHANDRA VILASOM, J-24
LAKASHMI NAGAR, PATTOM P.O.
THIRUVANANTHAPURAM-695004.**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENTS:

-
- 1. LATHIKA Y.
D/O YASODHA, J4-LEKSHMI NAGAR,
W/O. PREMKUMAR, JAYACHANDRA VILASOM
PATTOM P.O.
THIRUVANANTHAPURAM-695004.**
 - 2. PRAVEEN
JAYACHANDRA VILASOM, PATTOM P.O.
THIRUVANANTHAPURAM-695004.**
 - 3. PRATHEESH P.
JAYACHANDRA VILASOM, PATTOM PALACE P.O.
THIRUVANANTHAPURAM-695004.**
 - 4. DR.RADHAKRISHNAN
T.C.17/2001, IDAKKIDOM, POOJAPPURA
THIRUVANANTHAPURAM, 695012.**
 - 5. CHANDRAMATHI AMMA
T.C.17/2001, IDAKKIDOM, POOJAPPURA
THIRUVANANTHAPURAM-695012.**
 - 6. THE NATIONAL INSURANCE CO. LTD.
PALACE ROAD ATTINGAL, THIRUVANANTHAPURAM-695101.**

**R6 BY ADVS. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW**

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

DCS

OP (MAC).No. 95 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE APPLICATION FOR COMPENSATION.

**EXHIBIT P2: TRUE COPY OF THE INTERIM APPLICATION IN O.P.(MV)
NO.1049/2013 AND THE AFFIDAVIT ACCOMPANYING THE SAME,
SEEKING IMPLEADMENT.**

**EXHIBIT P2(a): TRUE COPY OF THE ENDORSEMENT IN EXT.P1 TO THE EFFECT
IMPLEADING THE RESPONDENTS 1,2 AND THE PETITIONER AS
ADDITIONAL 2,3 AND 4 PETITIONERS.**

**EXHIBIT P3: TRUE COPY OF THE AWARD NO.1049/2013 DATED 6.12.2014 OF THE
LOK ADALAT.**

**EXHIBIT P4: TRUE COPY OF THE ORDER DATED 2.6.2015 IN I.A.NO.2685/2015 IN
O.P.(MV)NO.1049/2013 OF THE MOTOR ACCIDENTS CLAIMS
TRIBUNAL, ATTINGAL.**

RESPONDENT(S)' EXHIBITS::-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

O.P.(MACT). NO. 95 OF 2015

Dated this the 7th day of September, 2015

JUDGMENT

Ext. P4 order of the Motor Accidents Claims Tribunal is in tune with Ext. P3 award of the Lok Adalat. It is seen that the award is passed on the basis of a settlement between the parties.

2. The petitioner is the mother and the other applicants are the widow and two children of the deceased. All the four applicants are entitled to equal amount of compensation under the award.

3. The petitioner was impleaded in the proceedings before the Tribunal. The contention that there was no proper notice to the petitioner cannot be countenanced.

4. The petitioner cannot aspire for a larger share than the other applicants. I do not find any illegality or irregularity in the proceedings.

The original petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS