

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

OP (MAC).No. 100 of 2015 (O)

**O.P(MV)NO.1354/2004 OF 1ST ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, KOLLAM**

PETITIONER(S) :

**LEHTAKUMARI @ LETHA, AGED 43 YEARS,
W/O.LATE DEVARAJAN, 'SUDHA BAVANAM', EDAVATTOM MURI,
PAVITHERESWARAM VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH**

RESPONDENT(S) :

**THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, THIRUVANANTHAPURAM- 695 001.**

BY ADV. SRI.P.C.CHACKO, S.C

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 05-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE PHOTOCOPY OF THE AWARD DATED 16.06.2007 IN
O.P.(M.V).NO.1354/2004 OF THE DISTRICT COURT, 1ST ADDL.MACT,
KOLLAM.**
- P2: A TRUE PHOTOCOPY OF THE LEGAL HEIR CERTIFICATE ISSUED BY
THE TAHASILDAR DATED 22.02.2005.**
- P3: A TRUE PHOTOCOPY OF THE DEATH CERTIFICATE DATED 06.11.2012
ISSUED FROM THE PAVITHRESWARAM GRAMA PANCHAYATH.**
- P4: A TRUE PHOTOCOPY OF THE PETITION FILED BY THE PETITION AS
I.A.NO.67/2014.**
- P5: A TRUE PHOTOCOPY OF THE ORDER DATED 24.02.2015 IN I.A.NO.67/2014
IN O.P(MV)NO.1354/2004 OF THE DISTRICT COURT, 1ST ADDL.MACT,
KOLLAM.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

O.P.(MAC) No. 100 of 2015

Dated this the 5th day of August, 2015.

JUDGMENT

Under challenge in this original petition is Ext.P5order passed by the Ist Additional Motor Accident Claims Tribunal, Kollam by which the petitioner was asked to produce the legal heir certificate of the fourth claimant, who according to the petitioner, already relinquished the claim in favour of the petitioner, who is the widow of the deceased.

2. The petitioner is the first claimant in O.P.(M.V.)No 1354/2004 on the file of the Ist Additional Motor Accident Claims Tribunal, Kollam. The petitioner, along with her two children and her mother-in-law (mother of the deceased husband), filed above said O.P for compensation for the death of the petitioner's husband on account of the injury sustained in a motor vehicle accident occurred on 25.4.1999. The petitioner's mother-in-law died during the pendency of the petition. The petitioner alleges that in the legal heirship

certificate, as stated by late Sarojini, the Tahasildar allowed the petitioner to receive the amount deposited by the respondent in her name as her mother-in-law had relinquished her right in favour of the petitioner. The petitioner filed a petition for releasing the amount. However, the tribunal dismissed the claim on the ground that the petitioner failed to produce LHC of deceased Sarojini. It is with this background, the petitioner has come up before this Court.

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

4. The learned counsel for the petitioner invited my attention to Ext.P2 certificate issued by the Tahasildar which reveals that the fourth claimant Smt. Sarojini who is the mother of the deceased had relinquished her right in the name of the petitioner. It appears that the same has escaped the attention of the learned Ist Additional MACT, Kollam. Therefore, this Court is of the view that the impugned order

shall not be allowed.

In the result, Ext.P5 is set aside. The Ist Additional MACT, Kollam is directed to re-consider the petitioner's claim in the light of Ext.P2 certificate. Formal orders to this effect, shall be passed within a period of two weeks from the date of receipt of a copy of this judgment.

For a speedy action, the Registry shall forward a copy of this judgment along with a copy of the writ petition to the Ist Additional MACT, Kollam.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.