

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

OP (MAC).No. 145 of 2015 (O)

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(IN I.A. NO. 3137/2015 IN O.P.(M.V.) NO. 435/2013 OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, TIRUR)**

PETITIONER/PETITIONER:

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MUHAMMED KUTTY, AGED 58 YEARS
S/O. SAIDALAVI, POTTARATH HOUSE
KUTTIPPURAM P.O.
MALAPPURAM DISTRICT**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN**

RESPONDENTS/RESPONDENTS:

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- 1. NOUSHAD
S/O. KUNHIBAVA,
KALATHIL HOUSE
TRIKKAVU P.O.
PONNANI - 675 710**
 - 2. MANI, S/O. AYYAPPAN
PERUMPILAVALLAPPIL (H)
THAIKKAD, CHOVALURPADI
P.O.GURUVAYOOR - 675 711**
 - 3. UNITED INDIA INSURANCE CO. LTD, DIV. OFFICE
NO. 11, 1ST FLOOR, TRICHUR TRADE CENTRE
KUTTIPPURAM ROAD, THRISSUR - 675 701**
 - 4. SHAFEEQ P.V.
S/O. MOIDEENKUTTY
PUTHUVETIL (H)
PONNANI P.O. - 675 701**

R3 BY SRI.JOHN JOSEPH VETTIKAD, SC.

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 19-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (MAC).No. 145 of 2015 (O)

APPENDIX

PETITIONER(S) EXHIBITS:-

- EXHIBIT P1 : THE TRUE COPY OF THE AWARD IN O.P.(MV) 435/2013 OF THE
MOTOR ACCIDENT CLAIMS TRIBUNAL DATED 31.07.2014**
- EXHIBIT P2 : THE TRUE COPY OF I.A.3137/2015 IN O.P.(MV) 435/2013 OF THE
MOTOR ACCIDENT CLAIMS TRIBUNAL DATED 4.8.2015**
- EXHIBIT P3 : THE TRUE COPY OF THE ORDER IN I.A. NO. 3137/2015 IN O.P
(M.V.)NO. 435/2013 OF THE MOTOR ACCIDENT CLAIMS
TRIBUNAL DATED 24.08.2015**

RESPONDENT(S) EXHIBITS :- NIL

/TRUE COPY/

P.A. TO JUDGE.

DCS

V. CHITAMBARESH, J

O.P.(MAC). NO. 145 OF 2015

Dated this the 19th day of November, 2015

JUDGMENT

Heard the counsel for the petitioner and the Standing Counsel for the third respondent. There is no necessity to issue notice to the other respondents.

2. The third respondent Insurer has already deposited the entire compensation amount awarded before the Motor Accidents Claims Tribunal. The petitioner was paid a sum of Rs. 5,00,000/- soon after Ext.P1 award and a sum of Rs. 3,82,357/- is lying in deposit.

3. The petitioner contends that he is dire need of money to renovate his old house. The petitioner points out that the house has become dilapidated which needs urgent repairing.

4. I therefore direct the Motor Accidents Claims Tribunal, Tirur to release a sum of Rs. 2,00,000/- (Rupees Two Lakhs Only) to the petitioner within one month. The

balance amount shall remain in deposit in O.P.(M.V.) No. 435/2013 to be governed by the original terms of deposit.

The original petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS