

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

OP (MAC).No. 154 of 2015 (O)

PETITIONER(S)/PETITIONER/APPLICANT:

**AL-AMEEN (MINOR) AGED 8 YEARS,
REPRESENTED BY HIS FATHER SHEREEF,
MELEVILAYIL PUTHEN VEEDU, SANTHIRI,
CHERUVALLY KOLIYACODE VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

- 1. NOUSHAD, S/O.ASSANARU PILLAI,
PANAYIL VEEDU, PARAMBIL PALAM,
PALIPURAM, THIRUVANANTHAPURAM-695001.**
- 2. THE UNITED INDIA INSURANCE CO.LTD,
ASH-HAR COMPLEX, PALACE ROAD, ATTINGAL-695001.**

R2 BY SRI.JOHN JOSEPH VETTIKAD, SC

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 09-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP (MAC).No. 154 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. TRUE COPY OF OP(MV)NO.1372/14 OF MOTOR ACCIDENTS CLAIMS
ATTINGAL.
- P2. TRUE COPY OF THE IA.4843/15 IN OP(MV)1372/14 ON FILE MOTOR
ACCIDENTS CLAIMS TRIBUNAL ATTINGAL
- P3. TRUE COPY OF ORDER IN IA.4843/15 IN OP(MV)1372/14 MOTOR ACCIDENTS
CLAIMS TRIBUNAL.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. HARILAL, J.

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O.P. (MAC) No. 154 of 2015

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Dated this the 9th day of December, 2015

J U D G M E N T

The petitioner is the petitioner represented by his father in O.P(M.V.) No.1372 of 2014, on the files of the Motor Accident Claims Tribunal, Attingal and the respondents are the respondents therein. The above O.P.(MV) was filed, seeking compensation for the injuries sustained by the minor son aged, eight years in a road traffic accident. The petitioner had claimed a compensation of Rs.50,000/- with 9% interest from the date of application, till date of full realisation. The Motor Accident Claims Tribunal, Attingal, has passed an award, as per a settlement with the Insurance Company and Rs.7,000/- was awarded on settlement and the petitioner was allowed to withdraw Rs.2,500/- and balance

-: 2 :-

Rs.4,500/- was ordered to be deposited in the name of the minor. On 09.09.2015, Rs.2,500/- was released, as per order in cheque application No.678/2015. Thereafter, the petitioner has filed an I.A. No.4843 of 2015, seeking a direction to release the balance amount of Rs.4,500/-, which stands deposited in the name of his minor son. After considering the said application, the Tribunal rejected the said application on a finding that there is no *bona fides* in the need projected by the petitioner in the application. This order is under challenge in this O.P.(MAC).

2. Heard the learned counsel for the petitioner and learned Standing Counsel appearing for the 2nd respondent/Insurance Company.

3. It is not disputed that the award was passed in a settlement with the Insurance Company and Rs.7,000/- was awarded on settlement and out of that amount the

-: 3 :-

petitioner was allowed to withdraw Rs.2,500/- and balance Rs.4,500/- was ordered to be deposited in the name of minor son and now that deposit stands as such. Now, the petitioner filed the application, seeking a direction to release the amount, on the ground that huge amount was spent for the treatment of the minor. After perusing the records, as regards the nature of injury and the treatment availed of for the same, the Tribunal arrived at a finding that injuries sustained by the minor child are pain and swelling on left ankle and foot and a contusion on the left leg only and huge amount is not required for the said treatment and no other evidence has been adduced to show that he had spent huge amount for the said treatment.

4. In the above view, the Tribunal had arrived at a finding that there is no *bona fides* in the need projected in the application. I do not find any kind of illegality or

-: 4 :-

impropriety in the findings entered by the Tribunal and there is no reason to interfere with the impugned order under challenge.

Hence, this O.P.(MAC) stands dismissed.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge