

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

OP (MAC).No. 155 of 2015 (O)

OPMV 541/2011 of MACT, MUVATTUPUZZHA

PETITIONER:

ANNA @ ACHU, D/O. BABY, 6 YEARS -MINOR
REPRESENTED BY FATHER BABY, S/O. FRANCIS,
AGED 31 YEARS, RESIDING AT ALACKAL HOUSE,
THALAKODE, KOTHAMANGALAM.

BY ADVS. SMT. ANEY PAUL
SRI. PHILIP J. VETTICKATTU

RESPONDENTS/RESPONDENTS:-

1. JOSEPH, S/O. KURIAN, KURIKATTIL HOUSE,
THALAKODE P.O., KOTHAMANGALAM - 686 691.
2. SALIM M.S., MALIPUTHEPURA,
KUTHUKUZZHI P.O., KOTHAMANGALAM - 686 691.
3. CHANDRAN E.T., S/O. MUNDAN THANKAPPAN,
ERAPPOOLUNKATTU HOUSE, MANJALLOOR,
VAZHAKULAM, NOW RESIDING AT ACHAKOTTIL HOUSE,
KOTTAPADY, KOLLIPARAMBU BHAGAM, KOTHAMANGALAM - 686 691.
4. THE BRANCH MANAGER,
THE NEW INDIA INSURANCE CO. LTD.,
PERUMBAVOOR - 683 542.

BY SRI. A. A. ZIYAD RAHMAN

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 15-12-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (MAC).No. 155 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

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| EXT.P1 | TRUE COPY OF THE AWARD DATED 24.03.2015 OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA. |
| EXT.P2 | TRUE COPY OF THE I.A.NO.2156/2015 IN O.P.NO.541/2011 DATED 19.06.2015 BEFORE THE MOTOR ACCIDENTS CLAIMS, TRIBUNAL, MUVATTUPUZHA. |
| EXT.P3 | TRUE COPY OF THE ORDER IN I.A.NO.2156/2015 IN O.P.(MV)NO.541/2011 DATED 26.06.2015. |

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.S. TO JUDGE.

V.CHITAMBARESH, J.

O.P (MAC) No.155 OF 2015

Dated this the 15th day of December, 2015

J U D G M E N T

The insurer has already deposited the compensation amount out of which ₹ 50,000/- has been permitted to be withdrawn under Ext.P1 Award itself. The father of the minor petitioner seeks permission to withdraw more amount in order to pay off the creditors from whom the loans were availed of. It is stated that such loans were availed in order to meet the treatment expenses of the minor and for other ancillary purposes.

2. I have heard the Standing Counsel for the Insurer and no notice need be issued to the other respondents in the circumstances appearing.

3. The Motor Accidents Claims Tribunal has by Ext.P3 order rejected the request merely stating that the petitioner is a minor. The question whether some more amount can be permitted to be withdrawn to meet the immediate urgent needs has not been considered in the proper perspective. I do feel that the a further sum of ₹ 75,000/- can be permitted to be withdrawn by the father of the petitioner to meet the

expenses as indicated above. This is however subject to the condition that no further amount shall be permitted to be withdrawn till the minor attains majority and moves an application before the Motor Accidents Claims Tribunal.

4. Ext.P3 order is set aside and a further sum of ₹ 75,000/- shall be permitted to be withdrawn on behalf of the petitioner to meet the expenses indicated above.

The Original Petition is disposed of.

V.CHITAMBARESH,
Judge.

nj/15.12.15