

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 8651 of 2010 (F)

AGAINST THE ORDER IN OPMV 1317/1995 of M.A.C.T.,KOLLAM DATED 25.10.2002

PETITIONER(S):

**P.T.KUNJUKUNJAMMA,PUTHIYA VEEDU,
KIZHAKKEKKARA, THEVALAKKARA.**

BY ADV. SRI.PRATHEESH.P

RESPONDENT(S):

- 1. MANAGING DIRECTOR,NESAMONY TRANSPORT
CORPORATION, RANITHOTTAM, NAGARCOIL.**

**ADDL.R2 GENERAL MANAGER,
TAMIL NADU STATE ROAD TRANSPORT
CORPORATION (SALEM)
DHARMAPURI REGION, DHARMAPURI - 636 705**

**[ADDL.R2 IMPEADED AS PER ORDER DATED 25.03.2010 IN
I.A.4193/2010]**

**R1 BY ADV.SOJAN JAMES, SENIOR GOVERNMENT PLEADER
R2 B/O BY SRI.SUBASH CYRIAC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C) NO.8651/2010

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE EXECUTION PETITION NO.32/2009 IN OP NO.1317/1995
OF MACT, KOLLAM**
- P2 : COPY OF AWARD IN OP NO.1317/1995 DATED 25.10.20023 ON THE FILE
OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOLLAM**

RESPONDENTS' EXHIBITS: N I L

//TREU COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.8651 of 2010

Dated this the 25th day of June, 2015

JUDGMENT

The petitioner has filed this writ petition seeking a writ of mandamus commanding the respondent to deposit the amount covered by Ext.P2 award before the Motor Accidents Claims Tribunal, Kollam, where E.P.No.32/2009 is pending consideration for execution of the aforesaid award.

2. Going by the averments in the writ petition, the petitioner is the 2nd petitioner in O.P.(MV) No.1317/1995 on the file of the Motor Accidents Claims Tribunal, Kollam. By Ext.P2 award, the Tribunal allowing the petitioner herein and two others to realise a sum of Rs.2,84,000/- with interest at 9% per annum from 21.07.1995 till realization from the 1st respondent herein and one T.Athikesava Perumal who were arrayed as respondents 1 and 2 in that claim petition. By the aforesaid award, the Tribunal directed the 1st respondent herein to deposit the award amount within one month from the date of award.

3. Now the grievance of the petitioner is that though Ext.P1 execution petition was filed before the Motor Accidents

Claims Tribunal, Kollam, as E.P.No.32/2009, till date no amount has been deposited by the respondents. It was in such circumstances, the petitioner has approached this Court in this writ petition seeking various reliefs.

4. During the pendency of this writ petition, the 1st respondent Corporation was merged with Tamil Nadu State Road Transport Corporation (Salem). In such circumstances, the petitioner has filed I.A. No.4193/2010 seeking an order to implead the General Manager of Tamil Nadu State Road Transport Corporation (Salem) as additional 2nd respondent.

5. By order dated 25.03.2010, this Court allowed I.A. No.4913/2010 and impleaded the General Manager of Tamil Nadu State Road Transport Corporation (Salem) as additional 2nd respondent and issued urgent notice by speed-post to the additional 2nd respondent. Though notice sent on 29.03.2010 with a hearing date of 08.04.2010 was served on the additional 2nd respondent and the Standing Counsel for the 2nd respondent has entered appearance, today when the case was taken up for final hearing, none appears for the 2nd respondent.

6. I heard the arguments of the learned counsel for the petitioner.

7. It is for executing Ext.P2 award passed by the Motor Accidents Claims Tribunal, Kollam, the petitioner has filed E.P.No.32/2009, which is still pending consideration before the Tribunal. When the compensation in terms of Ext.P2 award is not deposited, the remedy available to the petitioner is to pursue Ext.P2 execution petition, which is now ending before the Tribunal.

In such circumstances, this writ petition is disposed of with a direction to the Motor Accidents Claims Tribunal, Kollam to expedite the disposal of E.P.No.32/2009 and take necessary steps to ensure that the compensation awarded in Ext.P2 award is disbursed to the petitioner and others at the earliest.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV