

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 18452 of 2015 (F)

PETITIONER(S) :

- 1. SREEKUMARI AMMA, AGED 65 YEARS
W/O. LATE NARAYANAN NAIR, VELASSERY HOUSE, IRAPURAM P.O.,
MAZHUVANNUR PANCHAYATH, WARD NO. 1X, KOOZHOORKARA
ERNAKULAM - 683 551.**
- 2. GOWRI AMMA, AGED 87 YEARS,
M/O LATE NARAYANAN NAIR, VELASSERY HOUSE, IRAPURAM P.O.,
MAZHUVANNUR PANCHAYATH, WARD NO. 1X, KOOZHOORKARA
ERNAKULAM - 683 551.**

**BY ADVS.SRI.JAGADEESH LAKSHMAN
SRI.C.RAMAN
SRI. SHREEHARI N.S.**

RESPONDENT(S) :

- 1. MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM - 695 001.**
- 2. BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, KOLLAM , BEACH ROAD,
KOLLAM - 691 001.**

**R1 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC
R2 BY ADV. SRI.P.K.MANOJKUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 18452 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: A TRUE COPY OF THE COMMON AWARD PASSED BY THE
ADDL.MOTOR ACCIDENTS CLAIMS TRIBUNAL, ALAPPUZHA IN OP MV
NO. 1891 OF 1994 DATED 30/6/1997.**

**EXT.P2: A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C)
NO. 10464/2012 DATED 2/5/2012.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18452 of 2015

Dated this the 19th day of June, 2015.

JUDGMENT

Alleging that the Motor Accidents Claims Tribunal, Alappuzha has not allowed the petitioners' request to release the award amount which arose out of a claim, the petitioners have come up before this Court.

2. Petitioners are wife and mother of late Narayanan Nair who died in a motor accident on 5.2.1994 at Chammanadu. The petitioners allege that they along with other legal heirs of the deceased filed a claim petition for compensation before the MACT, Alappuzha. Ext.P1 is the common award. In Ext.P1, the liability of respondents 1 and 2 was fixed as 70% and 30% respectively. Petitioners along with other legal heirs were awarded an amount of Rs.3,12,200/- towards compensation with an interest of 12% per annum from the date of petition till realisation. The respondents were directed to pay the amount within one month. Though the first respondent filed MFA No.1422/1999,

the same was dismissed on 2.9.2003. As the first respondent had not deposited the compensation, the first petitioner filed W.P.(C) No.10464/2012. Ext.P2 is the judgment. Pursuant to Ext.P2, the first respondent deposited the award amount on 13.9.2012. The tribunal did not release the entire amount to the petitioners. The first petitioner was paid an amount of Rs.10,000/- only and the balance amount of Rs.1,29,364/- due to the first petitioner was deposited in the bank as FD for five years. The second petitioner was paid an amount of Rs.5,000/- and the balance amount of Rs.11,326/- was deposited in the bank as FD. The action of the Tribunal, in depositing the amount due to the petitioners from the first respondent under the award as FD, after 15 years of award, is highly unjust.

3. I have heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents in the matter.

4. The learned MACT, cannot be found fault with for depositing the amount in the name of the petitioners as the

MACT is bound by the directions of the apex court in **KSRTC v. Susamma Thomas [1994 (2) SCC 176]**. However, as the petitioners are in urgent need of money and they are ailing with various diseases, this Court is of the view that it is only just and proper to direct the learned MACT to release the deposit in the name of the petitioners.

Therefore, the writ petition is allowed. The Motor Accidents Claims Tribunal, Alappuzha is directed to release the entire deposit in the name of the petitioners so that they can encash the same from the bank concerned. This shall be done without production of copy of this judgment before the learned MACT.

The prayer in this writ petition for a direction to the second respondent to deposit the compensation covered by Ext.P1 award cannot be allowed by this Court. It is open to the petitioners to approach the Tribunal with a proper execution petition for the same.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.