

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 23321 of 2009 (I)

**AGAINST THE ORDER IN OPMV 572/2005 of THE 1ST ADDITIONAL MOTOR ACCIDENTS
CLAIMS TRIBUNAL, KOLLAM DATED 31-07-2007**

PETITIONER(S):

**NIRMALA KUMARI,
N.S.BHAVAN, VENAD NAGAR, KILIKOLLUR PO
KOLLAM**

BY ADV. SRI.P.SIVARAJ

RESPONDENT(S):

- 1. THE BRANCH MANAGER,
NATIONAL INSURANCE CO.LTD
THIRUVANANTHAPURAM BRANCH(3RD RESPONDENT IN THE
O.P.(MV)**
- 2. SAHADEVAN.P,
RAGHAVAN, T.C 9/948, SIVAJI SAPHIRE
D-11, KAWDIYAR, SASTHAMANGALAM
THIRUVANANTHAPURAM, (1ST RESPONDENT IN THE OP(MV)**
- 3. SANTHOSH KUMAR P.R,
POLLATHUPARA HOUSE, VALIYATHIVALA PO
(2ND RESPONDENT IN THE OP.(MV)**

R,R1 BY ADV. SRI.M.A.GEORGE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

W.P.(C). NO.23321/2009

APPENDIX

PETITIONER'S EXHIBITS:

P1 : COPY OF THE AWARD DATED 31.07.2007 IN O.P.(MV) NO.572/2005 OF
THE MACT, KOLLAM

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

PA. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.23321 of 2009

Dated this the 21st day of May, 2015

JUDGMENT

The petitioner was one of the claimants in O.P.(M.V.) No.572/2005 on the file of the First Additional Motor Accidents Claims Tribunal, Kollam. By Ext.P1 award, the Tribunal allowed the petitioner and other legal heirs of late R.Sukumara Pillai to realise an amount of Rs.2,99,387/- together with interest at the rate 7.5% per annum from the date of petition till its realisation and the insurance company, the 1st respondent herein was directed to deposit the award amount together with interest within a period of two months from the date of award. Though the award was passed as early as on 31.07.2007, the insurer failed to deposit the amount before the Tribunal and it was in the said circumstance, the petitioner has approached this Court with this writ petition seeking a writ of mandamus commanding the 1st respondent insurer to pay the amount covered by Ext.P1 award within a time limit that may be fixed by this Court.

2. Today, when the case was taken up for final hearing, the

learned Standing Counsel for the 1st respondent insurer submitted that the entire award amount together with interest was deposited before the Tribunal on 20.8.2009. Recording the aforesaid submission, this writ petition is disposed of with the following direction:

If the amount deposited before the Tribunal on 20.08.2009 is yet to be released to the petitioner and other claimants in OP (MV) No.572/2005, the Tribunal shall take necessary steps in this regard, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment.

JV

SD/-
ANIL K. NARENDRAN,
JUDGE