

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA**

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

MACA.No. 307 of 2005 ()

**OP(MV) NO. 931/2001 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, NEYYATTINKARA
DATED 25-05-2004**

APPELLANT/3RD RESPONDENT :

ORIENTAL INSURANCE CO. LTD.,
ST.MARYVILLA, ULLOOR, MEDICAL COLLEGE P.O.
THIRUVANANTHAPURAM,
REPRESENTED BY ITS ADMINISTRATION OFFICER,
REGIONAL OFFICE, ERNAKULAM NORTH,
KOCHI-18.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT/CLAIMANT/RESPONDENTS 1 AND 2 :

1. VIKRAMAN,
S/O. VELAYUDHA PANICKER,
KARTHIKA NIVAS, NARUVAMOODU, PALLICHAL.
2. SATHEESH KUMAR,
SHAMMUGHA VILASOM,
PAKALLOOR, PALLICHAL P.O.
3. SAJUKUMAR,
S.R.BHAVAN, ITHIYIL, ANTHIYOORKONAM
MARANALLOOR.

**R1 BY ADV. SRI.R.NIKHIL
R2 BY ADVS. SRI.R.T.PRADEEP
SRI.V.VIJULAL**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

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M.A.C.A No.307 of 2005

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Dated this the 5th day of March, 2015

JUDGMENT

Asha, J

This appeal is filed by the Insurance Company against the award passed by the Tribunal in favour of the 1st respondent herein. The 1st respondent met with an accident on 14.06.2001. The accident occurred while he was riding his motor cycle, which collided with another motor cycle. He sustained serious injuries and was hospitalised.

2. In the claim petition, the Tribunal awarded a sum of Rs.25,430/- towards total compensation. The Insurance Company challenges this award on the ground that the registration number of the motor cycle was shown as KL-01-E-5512 in the First Information Statement as well as in the First Information Report. It is further alleged that since that particular vehicle was not covered by a valid policy, another motor cycle with registration No.KL-01-Q-1336 was implicated in its place.

2. We heard the learned counsel appearing for either side.

The learned counsel for the claimant submitted that the Tribunal has considered this issue elaborately. More over the claimant had examined a police official as PW3 before the Tribunal. He deposed that the registration number was incorrectly stated while giving the First Information Statement. It was thereafter understood that the correct number was KL-01-Q-1336 and accordingly charge sheet was filed.

3. We find that the Tribunal has considered this issue with reference to the materials available on record. More over it was found that the 2nd respondent had admitted that the vehicle bearing Reg. No. KL-01-Q-1336 was involved in the accident. The City Police, Thiruvananthapuram had registered Crime No.1181/2001 against the 2nd respondent -driver- for offences under Sections 279, 337 &338. The charge sheet, Ext.A1, was marked before the Tribunal. The uncontroverted testimony of PW1 as well as PW3, claimant proved that the vehicle involved in the accident was KL-01-Q-1336.

4. In the absence of any evidence to the contrary, it is not possible for coming to a different conclusion. The Insurance Company has not produced any evidence in support of its contentions. Therefore, we are of the view that the findings

rendered by the Tribunal as well as the award passed do not suffer from any irregularity and the same is rendered, based on evidence on record.

6. Accordingly, we do not find any merit in the appeal and this appeal is accordingly dismissed. The parties shall bear their respective costs.

The Insurance company shall deposit the amount as per the award within a period of 2 months.

Sd/-
T.R.RAMACHANDRAN NAIR (JUDGE)

Sd/-
P.V.ASHA (JUDGE)

vdv