

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

MACA.No. 244 of 2012 ()

OPMV 1199/2007 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM

APPELLANT/3RD RESPONDENT :

**THE ORIENTAL INSURANCE CO. LTD.,
METRO PALACE, GROUND FLOOR,
OPP. NORTH RAILWAY STATION, ERNAKULAM
REPRESENTED BY ITS DULY AUTHORIZED OFFICER.**

BY ADV. SRI.VPK.PANICKER

RESPONDENTS/1ST AND 2ND RESPONDENTS AND :

- 1. HARSHA KUMAR
PADMAKUMAR, PADMANIVAS, PARIPPU P.O.,
KOTTAYAM. 686024.**
- 2. SATHEESH KUMAR, PATTICHIRAYIL (H),
PARIPPU P.O., KOTTAYAM. 686024.**
- 3. SUNIL ABRAHAM,S/O. ABRAHAM,
ALUMCHIRA (H), PALLICHARA BHAGAM,
KUMARAKOM, KOTTAYAM. 686563.**

**R1 & R2 BY ADVS. SRI.CHERIAN VARGHESE
SMT.ANITHA MENON
R3 BY ADV. SRI.JINU JOSEPH**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

P.B.SURESH KUMAR, J.

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M.A.C.A.No.244 of 2012.

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Dated this the 13th day of August, 2015.

J U D G M E N T

The insurer in a proceedings for compensation before the Motor Accidents Claims Tribunal has come up in this appeal challenging the decision of the Tribunal.

2. The third respondent filed the claim petition before the Tribunal alleging that he sustained injuries in the accident took place on 30.12.2005, involving a vehicle owned by the first respondent and driven by the second respondent. The appellant was the insurer of the vehicle involved in the accident. They contested the claim petition contending, among others, that the vehicle involved in the accident was not having a valid permit at the time of the accident. It was also contended by them that the second respondent was not having the driving licence as also the badge required for driving the goods vehicle involved in the accident. The Tribunal did not accept the contentions raised

by the appellant and hence this appeal.

3. In this appeal, the first respondent has filed a statement. Along with the said statement, he produced the driving licence particulars of the second respondent. The driving licence particulars of the second respondent as produced by the first respondent before this Court indicate that the second respondent was holding a valid driving licence at the time of accident. This fact is not disputed by the learned counsel for the appellant. As regards the requirement of the permit as also the badge, the issues are covered against the appellant by the judgments of this Court in **Augustine V.M. v. Ayyappankutty @ Mani and another** [2015(2) KHC 219 (F.B.)] and **National Insurance Co.Ltd. v. Jisha** [2015(1) KLT 1 (F.B.)]

The appeal, in the circumstances, is devoid of merits and the same is accordingly dismissed.

Sd/-
P.B.SURESH KUMAR,
JUDGE.

Kvs/-

/// true copy ///

PA TO JUDGE.

MACA.No.244/2012.