

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

MACA.No. 281 of 2012 ()

OPMV 669/2006 of MACT, IRINJALAKUDA

APPELLANT/2ND 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 RESPONDENT AND PETITIONER:

1. ANEESH
KALAPPATTIL HOUSE, P.O. MUPLIYAM
THRISSUR DIST.-680312.
2. CHITHARANJAN KUMAR,
S/O. BALAKRISHNAN KURUP, MURIYAD THEKKEDATH KALARI
MANAKULANGARA P.O.
KODAKARA VILLAGE THRISSUR DT. 680684.

R2 BY ADV. SRI.V.BINOY RAM

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

M.A.C.A. No.281 of 2012

Dated 23rd March, 2015.

J U D G M E N T

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

2. The second respondent filed the petition for compensation, alleging that he sustained injuries in an accident took place on 13.2.2006 involving a transport vehicle owned and driven by the first respondent. The appellant was the insurer of the vehicle involved in the accident.

3. The appellant contested the petition contending that the first respondent was not holding a badge to drive the autorikshaw driven by him and therefore, they have no liability to indemnify him.

4. The Tribunal rejected the contention raised by the appellant and passed an award permitting the claimant to recover the compensation determined as due from the

appellant. The appellant is aggrieved by the award of the Tribunal and hence the appeal.

5. Heard the learned counsel for the appellant.

6. A Full Bench of this Court has now held in **National Insurance Company Ltd. v. Jisha** (2015(1) KLT 1) that want of authorisation for the driver of the vehicle involved in an accident to drive a transport vehicle would not absolve the insurer from the liability to indemnify the owner.

There is, therefore, no merit in the appeal and the same is accordingly, dismissed.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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(true copy)