

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

MACA.No. 2047 of 2012

**DATED 29-02-2012 IN MVAA 905/2006 OF MOTOR ACCIDENT CLAIMS TRIBUNAL,
THALASSERY**

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APPELLANT(S)/3RD RESPONDENT:

**THE ORIENTALA INSURANCE CO.LTD.,
THODUPUZHA, REPRESENTED BY ITS ASSISTANT MANAGER,
REGIONAL OFFICE, ERNAKULAM NORTH, KOCHI-18.**

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT(S):

- 1. E.SUBEESH,
S/O.CHANDRIKA, EDAKKANDY HOUSE, ARALAM P.O.,
PIN - 670 704.**
- 2. JOSEPH,
S/O.THOMAS, ANDINOTTU, MANGOTTU,
KEEZHPALLI P.O, PAYAM, IRITTY,
PIN - 670 704.**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 19-02-2015, ALONG WITH MACA. 2033/2012 &
MACA. 2048/2012, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

msv/

P.B.SURESHKUMAR, J.

MACA Nos.2033, 2047 & 2048 OF 2012

Dated this the 19th day of February, 2015

JUDGMENT

These three appeals are preferred by the common insurer in three original petitions for compensation before the Motor Accidents Claims Tribunal, which were disposed of by a common judgment. The subject matter of the original petitions was an accident took place on 23.2.2006. The claimant sustained injuries in the said accident.

2. The appellant contested the original petitions mainly on the ground that the driver of the vehicle was not holding the authorisation to drive the vehicle involved in the accident and therefore, they are not liable to indemnify the owner of the vehicle. In other words, the plea of the appellant was that they should be permitted to recover the compensation, if any, payable to the claimants from the owner of the vehicle. The Tribunal directed the appellant to indemnify the owner of the vehicle involved in the

accident. The insurer is aggrieved by the said decision of the Tribunal.

3. The question whether the insurer in a proceedings for compensation before the Tribunal is liable to indemnify the owner of the vehicle involved in the accident in a case where the driver was not holding the authorisation to drive the vehicle has been considered by a Full Bench of this Court in **National Insurance Company Limited v. Jisha [2015 (1) KLT 1]**. It was held in that case that the insurer is not entitled to be absolved from the liability to indemnify the owner for the reason that the driver was not holding the authorisation.

In the light of the aforesaid decision of this Court, there is no merit in these appeals. The appeals are dismissed.

jes

Sd/-
P.B.SURESHKUMAR, JUDGE