

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

MACA.No. 408 of 2015 ()

AGAINST THE AWARD IN OPMV 1785/2012 of M.A.C.T.,KOZHIKODE
DATED 08-11-2013

APPELLANT/1ST RESPONDENT:

SHOUKATHALI
S/O.MOIDEENKUTTY, KONDALATH HOUSE, PATHANAPURAM P.O.
KEEZHE PARAMBU, AREEKODE, MALAPPURAM.

BY ADV. SRI.JACOB ABRAHAM

RESPONDENT/3RD RESPONDENT:

THE ORIENTAL INSURANCE CO. LTD
BRANCH OFFICE, KINGS BUILDING, MAVOOR ROAD JUNCTION
CALICUT-673 001.

R1 BY ADV. SRI.VPK.PANICKER
R BY SMT.K.S.SANTHI

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

M.A.C.A No.408 of 2015-E

Dated this the 30th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the owner of the offending vehicle involved in the accident. The accident occurred on 07.12.2010. The appellant was the owner of the vehicle bearing Registration No.KL-10-Q-9506. The total amount awarded by the Tribunal is Rs.38,594/- which was rounded off to Rs.39,000/- with interest @ 8% per annum.

2. The learned counsel for the Insurance Company had contended that at the time of the accident, the 2nd respondent before the Tribunal was not having valid driving license. The learned counsel for the appellant has produced before this Court the driving license in original issued to the 2nd respondent before the Tribunal, namely, Mujeeb C.K, along with I.A.No.462/2015.

3. We heard the learned counsel for the Insurance Company also. The driving license number is 10/12077/2010, which is valid from 29.07.2010 to 24.05.2028 as far as non-transport vehicle is concerned and from 26.03.2013 to

25.03.2016 as far as transport vehicle is concerned. The vehicle herein is a three wheeler.

4. The learned counsel for the Insurance Company also submitted that the driving license is a valid one.

In the light of the above, we allow the appeal. The direction issued by the Tribunal that the appellant is liable to satisfy the award after payment by the Insurance Company, is vacated.

The Registry will return the original of license after keeping a photocopy of the same. The appellant had deposited an amount of Rs.19,500/- (Rupees Nineteen thousand and five hundred only) under Section 173(1) of the Motor Vehicles Act, 1988. The same will also be refunded to the appellant.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge