

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

MACA.No. 2590 of 2012 ()

OPMV 304/2010 OF MACT, WAYANAD, KALPETTA

APPELLANT(S)/THIRD RESPONDENT :

RELIANCE GENERAL INSURANCE CO. LTD.
KOZHIKODE, REPRESENTED BY ITS DEPUTY MANAGER
REGIONAL OFFICE, ERNAKULAM.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT(S):RESPONDENTS 1 & 2 :

1. RAMNASH K.
S/O.ABDUL SATHAR, KANJAYI HOUSE, KAPPUMCHAL
PANAMARAM P.O, MANANTHAVADY, PIN 670 645.
2. ANSHAD P
S/O.ANDRU, PUTHUKADY HOUSE, CHERUKATTUR P.O
MANANTHAVADY TALUK. PIN 670 645.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

M.A.C.A. No.2590 of 2012

Dated 1st April, 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 appellant contested the petition on the ground that the driver of the vehicle was not holding an authorisation to drive the transport vehicle(badge) involved in the accident. 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.

3. Heard the learned counsel for the appellant.

4. 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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