

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

MACA.No. 1215 of 2011 ()

AGAINST THE AWARD IN OPMV 47/2007 of MACT,
IRINJALAKUDA, DATED 23-12-2010

APPELLANT/3RD RESPONDENT:-

THE ORIENTAL INSURANCE CO.LTD.,
KODUNGALLUR, REPRESENTED BY ITS, ASSISTANT MANAGER
REGIONAL OFFICE, ERNAKULAM, NORTH
KOCHI-18.

BY ADVS.SRI.GEORGE CHERIAN (THIRUVALLA)
SRI.ALEXY AUGUSTINE

RESPONDENTS/RESPONDENTS:-

1. V.S.BABURAJ, S/O.SANKARAN,
VAKKEKATTIL HOUSE, P.O.PERINJANAM, KODUNGALLUR TALUK
PIN-680664.

2. SUDHEESH K.S., S/O.SUKUMARAN,
KOCHIPARAMBATH HOUSE, KATHIKODE DESOM
KOOLIMUTTAM VILLAGE, KODUNGALLUR TALUK,
PIN-680664.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kvs/-

P.B.SURESH KUMAR, J.

M.A.C.A. No.1215 of 2011

Dated 17th 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. One Abu filed the petition for compensation, alleging that he sustained injuries in an accident took place on 8.1.2005, involving a transport vehicle owned by the first respondent and driven by the second respondent. The appellant was the insurer of the vehicle involved in the accident.

3. Respondents 1 and 2 remained ex parte. The appellant contested the petition contending that the second respondent was not holding an authorisation to drive a transport vehicle.

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.

Kvs

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PA TO JUDGE.