

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

MACA.No. 857 of 2009 ()

OPMV 766/2005 of M.A.C.T OTTAPPALAM

APPELLANT(S)/3RD RESPONDENT:

NATIONAL INSURANCE CO.LTD.,PALAKKAD,REP.
BY THE MANAGER, KOCHI REGIONAL OFFICE, M.G.ROAD
COCHIN-35.

BY ADV. SRI.E.M,JOSEPH

RESPONDENT(S)/CLAIMANT & FIRST RESPONDENT :

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1. MOHANAN T.N. AGED 36,S/O.NARAYANAN NAIR,
VENNATHARA VEEDU, POOLACHIRA, PAYYANEDAM (POST)
MANNARKKAD TALUK, PALAKKAD DIST.
 2. M.K.JOY,AGED 28,S/O.KURIAKOSE,
MAYILEVELI VEEDU, IRUMBAKACHOLA POST, KANJIRAPUZHA
MANNARKAD, PALAKAD.
 3. P.P.SURESH,KUNNUMAL HOUSE,
PICHALAMUNDA, MUTHUKURCHI (P.O)MANNARKKAD TALUK
 4. SURESH C.,S/O.NARAYANAN, CHELAKKAD HOUSE
LACHERIPARAMBU, MANNARKKAD TALUK
 5. MUJEEB RAHMAN,S/O.HAMZA, KARATHMUZHIYIL (H)
KACHERIPARAMBU (POST) MANNARKAD TALUK.
 6. UNITED INDIA INSURANCE CO.LTD.,
BRANCH OFFICE-MANNARKKAD.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

M.A.C.A. No.857 of 2009

Dated 9th June, 2015.

J U D G M E N T

This is an appeal filed by the insurer in a proceedings for compensation before the Motor Accidents Claims Tribunal.

2. The contention raised by the appellant before the Tribunal was that in so far as the vehicle involved in the accident was not having a valid permit, they are entitled to recover the compensation, if any, payable to the claimant from the owner of the vehicle. The said contention was rejected by the Tribunal and the appellant was directed to pay the compensation determined as due to the claimant. The appellant is aggrieved by the award of the Tribunal in so far as the Tribunal declined permission to them to recover from the owner the compensation payable to the claimant.

3. The issue as to whether the insurer of a vehicle is entitled to be exonerated from the liability to indemnify the owner on the ground that the vehicle involved in the accident

was not having a valid permit at the time of accident, was considered and decided against the appellant by a Full Bench of this Court in **Augustine v. Ayyappankutty** (2015(2) KLT 139). In the light of the said decision of the Full Bench, there is no merit in the appeal and it is accordingly, dismissed.

I.A.No.1113 of 2009 : Closed.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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