

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

MACA.No. 644 of 2010 ()

AGAINST THE AWARD IN OPMV 401/2003 of MACT, NORTH PARAVUR
DATED 16-07-2008

APPELLANT/PETITIONER:

ANDREWS P.T. @ ANTONY P.T.,
PAINGAPARAMBU, PUTHUVYPU P.O., PIN-682 508.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.D.PAUL DALIN

RESPONDENTS/RESPONDENTS 1,2 AND 3:

1. KEVIN FIGARADO, PATHISSERRY HOUSE,
OCHANATHURUTHU P.O., PIN-682 508.

2. SAJU, S/O.CLEETUS, ALUNKAL HOUSE,
CHERIAKADAVU, KANNAMALI.

3. UNITED INDIA INSURANCE CO.LTD.,
P.B.NO.228, MATTANCHERRY BRANCH, MATTANCHERRY.

R3 BY ADV. SRI.PMM.NAJEEB KHAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

M.A.C.A.No.644 OF 2010

Dated this the 20th day of January, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the claimant aggrieved by the exoneration of the Insurance Company from the liability to satisfy the award. The accident occurred on 6.12.2001 at Schoolmittam St.Mary's public road. He was travelling as a pillion rider in the motor cycle bearing Reg.No.KL 7 -W 8184. It skidded off the road and the appellants fell down and accordingly the injuries were sustained. The Tribunal granted an award for an amount of ₹54,000/- with 7% interest per annum from the date of petition till realisation.

2. We find from the award that the Tribunal was of the view that the pillion rider is not covered under the policy. The learned counsel for the Insurance Company fairly submits that there is coverage for the pillion rider also going by the terms of the policy as it is a comprehensive policy. We are only on the question of liability and not

on the quantum. In the light of above, we modify the award, making the Insurance Company liable to satisfy the award.

3. We find from the order in C.M.Appln. No.812/2010 dated 23.6.2014 that the Division Bench while condoning the delay made it clear that in the event of the appeal being allowed, the claimant will not be entitled for interest for the period of 581 days. We confirm the same.

4. The Tribunal has awarded interest @ 7% per annum which we enhance to 9% per annum from the date of petition. The payment of enhanced amount towards interest will also be subject to the above direction that the Insurance Company will not be liable to pay interest for the period of 581 days.

The appeal is accordingly allowed.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.

