

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

MACA.No. 1245 of 2014

**O.P.(M.V)NO. 806 OF 2007 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,
THODUPUZHA**

APPELLANT(S)/2ND RESPONDENT IN O.P(M.V) :

**THE NEW INDIA ASSURANCE CO.LTD., THODUPUZHA,
REPRESENTED BY RAJEEV GEORGE(DEPUTY MANAGER),
THE DULY CONSTITUTED ATTORNEY, REGIONAL OFFICE,
KANDAMKULATHY TOWERS, M.G.ROAD, KOCHI - 682 011.**

BY ADV. SRI.M.JACOB MURICKAN

RESPONDENT(S)/PETITIONER & 1ST RESPONDENT IN O.P(M.V) :

- 1. ANISH, AGED 35 YEARS,
S/O.SASIDHARAN NAIR, KUNNATHANICKAL HOUSE,
KUDAYATHOOR VILLAGE, KANJAR P.O., IDUKKI DISTRICT, PIN - 685 592.**
- 2. KABEER,
S/O.ABDUL RAHUMAN, ANTHINATTU HOUSE,
VELLIYAMATTAM VILLAGE, KANJAR P.O., IDUKKI DISTRICT, PIN - 685 592.**

R1 BY ADV. SRI.M.V.RAJENDRAN NAIR

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 10-08-2015, ALONG WITH O.P.(M.A.C)NO.98 OF 2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

P.B.SURESH KUMAR, J.

M.A.C.A.No.1245 of 2014

&

O.P.(M.A.C)No.98 of 2014

Dated this the 10th day of August, 2015

JUDGMENT

The issue raised in these matters is as to whether the insurer in a proceedings for compensation before the Motor Accidents Claims Tribunal is entitled to be exonerated from the liability to indemnify the owner of the vehicle involved in the accident for the reason that the vehicle was not having a valid fitness certificate at the time of the accident. This issue has been decided in **Augustine V.M. v. Ayyappankutty** [2015 (2) KLT 139] against the appellant/petitioner.

M.A.C.A.No.1245 of 2014

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O.P.(M.A.C)No.98 of 2014

In the light of the said decision of Full Bench of this Court, these matters are devoid of merits and the same are accordingly dismissed.

P.B.SURESH KUMAR, JUDGE.

smm