

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

MACA.No. 1490 of 2014

OP(MV) 808/2007 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, THODUPUZHA.
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APPELLANT/2ND RESPONDENT IN OPMV :

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 OPMV :

1. NARAYANAN, FATHER'S NAME NOT KNOWN,
PANTHACKKAL HOUSE, MORKADU BHAGAM,
KOOVAPILLY P.O., KUDAYATHOOR VILLAGE,
IDUKKI DISTRICT, PIN-685 590.
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 BEEN FINALLY
HEARD ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

P.B.SURESH KUMAR, J.

M.A.C.A.No.1490 of 2014

Dated this the 21st day of July, 2015

JUDGMENT

The issue raised in this appeal is as to whether the insurer in a proceedings for compensation before the Motor Accidents Claims Tribunal is entitled to recover the compensation paid to the claimant from the owner of the vehicle for the reason that the vehicle involved in the accident was not having a valid fitness certificate at the time of the accident. The said issue is covered by the decision of this Court in **Augustine V.M. v. Ayyappankutty** (2015 (2) KLT 139) against the insurer.

In the light of the said decision, the appeal is devoid of merits and the same is, accordingly, dismissed.

P.B.SURESH KUMAR, JUDGE.