

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

MACA.No. 1690 of 2014

O.P(MV)NO.290/2011 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, KASARAGOD

APPELLANT(S)/3RD RESPONDENT :

**THE UNITED INDIA INSURANCE CO. LTD.,
MADIKKERI BRANCH, REPRESENTED BY ITS DEPUTY MANAGER,
REGIONAL OFFICE, HOSPITAL ROAD, ERNAKULAM.**

**BY SRI.GEORGE CHERIAN (SENIOR ADVOCATE)
ADVS. SMT.K.S.SANTHI
SMT.LATHA SUSAN CHERIAN**

RESPONDENT(S)/RESPONDENTS 1 & 2 :

- 1. P.N.CHANDRAN,
S/O.P.S.NANAYYA, DRIVER, AVANTHUR VILLAGE,
MADIKKERI TALUK, KUDAGU DISTRICT,
KARNATAKA STATE, PIN- 561 101.**
- 2. A.N.SURESH
'ROSE DALE', BETHU ROAD, NAPOKLU,
MADIKKERI TALUK, KUDAGU DISTRICT, KARNATAKA STATE,
PIN - 561 101.**

BY ADV. SRI.S.JIJI

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

P.B.SURESH KUMAR, J.

M.A.C.A.No.1690 of 2014

Dated this the 27th day of July, 2015

JUDGMENT

The insurer in a proceedings for compensation before the Motor Accidents Claims Tribunal has come up in this appeal challenging the decision of the Tribunal.

2. One Shiby instituted the proceedings referred to above, alleging that she sustained injuries in an accident involving a vehicle owned by the second respondent and ridden by the first respondent. The appellant was the insurer of the vehicle. The appellant contested the claim petition, contending among others, that the vehicle involved in the accident was not having a fitness certificate. The Tribunal rejected the said contention and passed an award permitting the claimant to recover the compensation from

the appellant. The appellant is aggrieved by the decision of the Tribunal.

3. Heard the learned counsel for the appellant.

4. The question 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 fitness certificate, has been decided against the appellant by a Full Bench of this Court in ***Augustine vs. Ayyappankutty*** [2015 (2) KLT 139].

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

P.B.SURESH KUMAR, JUDGE.

smm