

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

MACA.No. 2190 of 2010 ()

**OP(MV) NO. 807/2006 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI
DATED 19-05-2010**

APPELLANT/3RD RESPONDENT :

**THE NEW INDIA ASSURANCE COMPANY LTD.
BRANCH OFFICE, VARIKKODAN BUILDINGS, NILAMBUR ROAD
MANJERI, REPRESENTED BY ITS DEPUTY MANAGER.**

**BY ADVS.SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN**

RESPONDENTS/PETITIONER AND RESPONDENTS 1 & 2 :

- 1. HASSANKUTTY @ ASSANKUTTY,
ALINKUZHAYADU HOUSE, P.O.CHIRAYIL, THARAYITTAL
PALICKAL AMSOM, PALICKAL P.O.,
KONDOTTY (VIA).**
- 2. SHAMSUDHEEN,
S/O.MUHAMMEDKUTTY,
PALAMADATHIL CHEMBANTHODIKA HOUSE,
P.O.PERUVALLUR, VIA KONDOTTY (DRIVER).**
- 3. ABOOBACKER SIDDIQUE,
S/O.MUHAMMED,
KARATTUCHOLA HOUSE,
P.O.CHEEKODE, VIA. CHERUVAYUR.**

R3 BY ADV. SRI.K.VIDYASAGAR

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

P.B.SURESH KUMAR, J.

M.A.C.A.No.2190 of 2010

Dated this the 15th 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. The issue raised in the appeal is as to whether the insurer in a proceedings for compensation is entitled to be exonerated from the liability on the ground that the driver of the transport vehicle involved in the accident, which was the subject matter of the proceedings, was holding an authorisation (the badge) to drive the transport vehicle. The said issue has been decided against the appellant/insurer by the Full Bench of this Court in ***National Insurance Co.Ltd. vs. Jisha*** [2015 (1) KLT 1)

In the light of the said decision, the appeal is devoid of

merits and the same is accordingly dismissed.

P.B.SURESH KUMAR, JUDGE.

smm

