

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

MACA.No. 3050 of 2008 ()

AGAINST THE AWARD IN OPMV 160/2002 of M.A.C.T., ERNAKULAM
DATED 05-01-2008

APPELLANT/PETITIONER IN OP (MV) :

SAJI @ SAJEEV A.N., S/O NARAYANANKUTTY
ANCHALPARAMBIL HOUSE, POOTHOTTA, MANAKKUNNAM VILLAGE
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.MATHEWS K.PHILIP

RESPONDENTS/RESPONDENT 1 AND 2 IN OP (MV) :

1. SIBIMON, S/O THANKAPPAN, PATHIKKATTIL HOUSE
11/50, POOTHOTTA P.O.
ERNAKULAM DISTRICT.

2. UNITED INDIA INSURANCE COMPANY,
MTPC OFFICE, M.G.ROAD, ERNAKULAM.

R2 BY ADV. SRI.K.SANDESH RAJA

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

M.A.C.A.No.3050 OF 2008

Dated this the 25th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the claimant in O.P.(MV)No.160/2002. The appeal is only on a limited question namely as regards the liability of the Insurance Company. The Tribunal has granted a total compensation of ₹49,652/- with interest @ 7.5% per annum. The Tribunal also held that the Insurance Company is not liable to pay compensation to the appellant.

2. Heard the learned counsel on both sides.

3. The learned counsel for the appellant by relying upon the judgment in New India Assurance Company Ltd. v. Hydrose and others [2008(3) KHC 522(DB)] submits that the policy is styled as B policy and in such cases even if the claimant is a pillion rider, the Insurance Company is liable to pay compensation.

4. The learned counsel for the Insurance Company submitted

that there is coverage under the policy.

In that view of the matter, the appeal is allowed and we hold that the Insurance Company is liable to pay compensation especially since in the light of the decision of this Court in **New India Assurance Company Ltd. v. Hydrose and others [2008(3) KHC 522(DB)]** that in the case of B policy, the Insurance Company is liable to pay compensation. The company will deposit the amount within three months and we permit the appellant to withdraw the amount also.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.