

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

RP.No. 449 of 2015 ()

**(AGAINST THE AWARD IN OP(MV).NO. 1226/2008 OF MOTOR ACCIDENTS CLAIMS
TRIBUNAL, OTTAPPALAM DATED 21-11-2012)**

REVIEW PETITIONER/3RD RESPONDENT:

**NATIONAL INSURANCE CO. LTD.,
BRANCH OFFICE, MAIN ROAD, IRINJALAKUDA,
THRISSUR, POLICY NO.570701/31/07/670000562
VALID FROM 16.1.08 TO 15.1.09**

BY ADV. SRI.RAJESH THOMAS

APPELLANTS/1ST RESPONDENT/RESPONDENTS 2 & 3:

- 1. DILEEP KUMAR, S/O.RAVUNNY (LATE)
VADAKKUMURY HOUSE, P.O.PUDUKKAD,
NORTHTHORAVU DESOM, THORAVU VILLAGE,
THRISSUR.**
- 2. JOHNY, S/O.VAREED,
ATTOKKARAN HOUSE, VADAKKETHORAVU DESOM,
THORAVU VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR (DRIVER OF KL 8 K 9019 AUTORIKSHAW).**
- 3. MR.T.V.PAUL,
THEKKENATH HOUSE, ALAGAPPANAGAR P.O.,
THRISSUR (OWNER OF KL 8 K 9019 AUTORIKSHAW).**

**BY SRI.SHEJI P.ABRAHAM
SMT.T.K.USHA RANI**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

P.B.SURESH KUMAR, J.

R.P No.449 of 2015

in

M.A.C.A.No.1756 of 2012

Dated this the 16th day of July, 2015

O R D E R

This Review Petition is filed seeking review of the judgment in M.A.C.A. No.1756 of 2012 dated 18.2.2015.

2. M.A.C.A.No.1756 of 2012 was one filed by the claimant in a proceedings for compensation before the Motor Accidents Claims Tribunal seeking enhancement of compensation granted to him and as per the judgment sought to be reviewed, I have enhanced the compensation granted to the claimant.

3. The learned counsel for the review petitioner, who is the insurer of the vehicle, contended that by the award

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in

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M.A.C.A.No.1756 of 2012

impugned in the appeal, while granting compensation to the claimant, the Tribunal permitted the insurer in the proceedings to recover the compensation from the owner of the vehicle, but while disposing of M.A.C.A.No.1756 of 2012, permission was not granted to the insurer to recover the enhanced compensation from the owner of the vehicle.

4. In so far as the award of the Tribunal has become final as against the owner of the vehicle, it goes without saying that the insurer is entitled to recover the enhanced compensation also from the owner.

With the aforesaid observation, the Review Petition is disposed of.

P.B.SURESH KUMAR, JUDGE.

smm