

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

RP.No. 544 of 2015

MACA 568/2014, DATED 05-02-2015

REVIEW PETITIONER(S)/RESPONDENTS NO.3:

**UNITED INDIA INSURANCE COMPANY LTD,
PUTHUSSERY COMPLEX, GOVT.HOSPITAL JUNCTION,
ALUVA REPRESENTED BY ITS AUTHORIZED OFFICER.**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S)/PETITIONER/RESPONDENTS :

- 1. A.T.GEORGE, AGED 63 YEARS,
S/O. THOMAS, AKATHOOTTUPARAMBU HOUSE,
OCHAMTHURUTHU KARA, ELAMKUNNAPUZHA VILLAGE,
COCHIN - 682 508.**
- 2. JACOB,
S/O. LONAN, KALLUPARAMBIL HOUSE, KADUNGASSERY,
KIZHAKKUMBHAGOM, NAYARAMBALAM, VYPIN 682 509.**
- 3. P.M.SALI,
S/O. MOHAMMED KUNJU, PARAPURATHUPARAMBIL HOUSE,
NAD P.O, EDATHALA, ALUVA 683501.**

BY SRI.T.R.SUGUNAN

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 22-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

P.B.SURESH KUMAR, J.

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Review Petition No.544 of 2015

in

M.A.C.A.No.568 of 2014

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Dated this the 22nd day of September, 2015.

O R D E R

The petitioner seeks review of the judgment in M.A.C.A.No.568 of 2014. The said appeal was preferred by the claimant in a proceedings for compensation before the Motor Accidents Claims Tribunal seeking enhancement of the compensation granted. The review petitioner was the insurer of the vehicle involved in the accident. As per the award impugned in the said appeal, while granting compensation to the claimant, the Tribunal permitted the insurer in the proceedings to recover the same from the owner of the vehicle on the ground that the person who was driving the vehicle was not holding a valid licence. As per the judgment sought to be reviewed, this Court granted an

additional compensation of Rs.15,000/- to the claimant. The said decision of this Court is sought to be reviewed on the ground that this Court did not permit the insurer of the vehicle to recover the additional compensation from the owner of the vehicle.

2. As noticed above, while passing the award impugned in the appeal, the Tribunal permitted the review petitioner to recover the compensation determined as due to the claimant from the owner of the vehicle. That part of the award passed by the Tribunal has not been challenged by the owner of the vehicle and as such the same has become final. The scope of the appeal dealt with by this court was only as to the correctness of the quantum of compensation granted by the Tribunal. As such, the decision in the appeal granting additional compensation to the claimant does not affect the right granted to the review petitioner by the Tribunal to recover the compensation from the owner of the vehicle. In that view of the matter, there is

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no error apparent on the face of the records. The Review
Petition lacks merits and the same is accordingly dismissed.

**P.B.SURESH KUMAR,
JUDGE.**

Kvs/-