

SMT JUSTICE T. RAJANI

MACMA.Nos.622 of 2007 and 275. 300 and 385 of 2008

COMMON JUDGMENT:

All these appeals are filed by the appellant-insurance, who is the second respondent before the Court below, assailing similar but separate judgments of the Court below in OP.Nos.201, 305, 304 and 202 of 2005 dated 30.08.2006 both on the quantum and liability of the appellant.

2. Heard counsel for the appellant. Counsel for the respondent did not appear.

3. Counsel for the appellant, however, does not press on the quantum but he argues only on the aspect of liability vis-à-vis the coverage provided by the insurance policy. He takes support of a decision of the Supreme Court in *ORIENTAL INSURANCE CO. LTD. v NANJAPPAN*¹ to argue on the aspect of apportionment of compensation when the tribunal finds that the liability of the insurance company is over and above the persons for whom the coverage is provided under the policy.

4. In this case, it is submitted that though 17 passengers were travelling in the vehicle, there are only 7 claims. Learned counsel also fairly admits that the insurance policy provides coverage for 9 persons. Hence, the help of the above cited decision need not be sought for by the appellant counsel, as the appellant would be liable to satisfy the awards made in respect of the claims of all the victims, who are less than nine in number.

¹ AIR 2004 SC 1630

Hence, with the above observations, the civil miscellaneous appeals are dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

August 16, 2017
DSK

T. RAJANI, J

