
(1989) 07 OHC CK 0005
In the Orissa High Court

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Parvathy and Others

RESPONDENT

Date of Decision : 04-07-1989

Acts Referred:

Citation : (1989) 2 ACC 545

Hon'ble Judges : U.L. Bhat, J;P. Krishnamoorthy, J

Bench : Division Bench

Judgement

U.L Bhat, J.—These appeals are filed by the insurer against the common judgment and awards passed by the Motor Accidents claims Tribunal, Palghat in three claim petitions arising out of the same accident. The claimant in each case has filed cross objection.

2. The claimants in the three cases were passengers in stage carriage bus KLJ 3587. It was proceedings along the road from Chunkam to Peruvamba. Another bus belonging to C.T.C. Company was going ahead. The driver of bus KLG 3587 speeded and tried to overtake the bus. In the process, the bus turned suddenly to the right side, hit against the shop on the western side and then capsized. These three passengers sustained injuries. They had to be hospitalised and treated. Appellant in M.F.A. 630 of 1986 (OP 44 of 1986) claimed Rs. 55,000/- and was allowed Rs. 25,000/-. Claimant in M.F.A. 632 of 1986 (O.P. 20 of 1986) claimed Rs. 58,200/- and was allowed Rs. 43,159/- claimant in M.F.A. 638 of 1988 (O.P. 369 of 1985) claimed Rs. 50,000/- and was allowed Rs. 22,206/-.

3. Appellant, the insurer does not seek total exoneration from liability. According to learned Counsel insurer's liability per passenger is limited to Rs. 15,000/-. That, of course, is the statutory limit. We have per used the insurance policy, Ext. B2. It shows that at least so far as passengers are concerned, it was an Act Policy with liability limited to Rs. 15,000/- per passenger. Therefore, the Tribunal was not justified in directing the insurer to pay the entire amount awarded in the three cases. The insurer need pay only at the rate of Rs. 15,000/- together with interest as awarded by the Tribunal and costs in each of the cases.

4. Claimants are dissatisfied with the quantum of compensation awarded. We have gone through the common judgment of the Tribunal. The special damages awarded are more or less adequate. So far as general damages are concerned, the Tribunal has fixed only reasonable amounts. We find no ground to interfere.

5. In the result, we set aside the direction of the Tribunal that the insurer is liable to pay the entire amount awarded in three cases. Instead, we direct that the insurer's liability is limited to the extent of Rs. 15,000/- in each of the cases together with interest as awarded and costs before the Tribunal. The appeals are allowed to the above extent and the cross objections are dismissed. The parties are directed to bear their costs in this Court.