

(2014) 08 MAD CK 0238

In the Madras High Court

Case No : Civil Miscellaneous Appeal No. 1678 of 2010 and M.P. No. 1 of 2010

The Oriental Insurance Co. Ltd.

APPELLANT

Vs

Sekar

RESPONDENT

Date of Decision : 14-08-2014

Acts Referred:

Citation : (2014) 08 MAD CK 0238

Hon'ble Judges : R. Subbiah, J

Bench : Single Bench

Judgement

R. Subbiah, J.—This appeal has been filed by the Insurance Company questioning the finding rendered by the Tribunal in fixing the liability on its part in paying the compensation amount in and by award dated 29.07.2009 made in M.C.O.P. No. 1355 of 2006.

2. The only ground raised by the Insurance Company is that at the time of the accident, the rider of the two wheeler, bearing Registration No. TN 43 B 1428, who had caused the accident, did not have the valid Driving Licence to drive the vehicle and the Tribunal without considering this aspect directed the Insurance Company to pay the compensation amount in respect of the claim made by the parents of the pillion rider Kamaleswari, who lost her life in the accident.

3. But, in my considered opinion, in view of the recent decision of the Supreme Court in S. Iyyapan Vs. United India Insurance Company Ltd. and Another, , the non-possession of the Driving Licence cannot be a ground for the Insurance Company to deny its liability to pay the compensation amount in respect of the claim made by the third parties. At the maximum, they can have a liberty to recover the amount from the owner of the vehicle after paying the same to the claimant.

4. In the instant case, the Tribunal itself has given a liberty to the Insurance Company to recover the compensation amount from the owner of the vehicle after paying it to the claimants. Hence, there is no need for interference in the

award passed by the Tribunal and hence, the appeal is liable is to be dismissed.

Accordingly, the appeal is dismissed. Since it is represented that the compensation amount has already been deposited by the Insurance Company before the Tribunal, respondents 1 and 2 are permitted to withdraw their respective shares with accrued interest and cost. Consequently, the connected miscellaneous petitions is closed.