

(2010) 09 KL CK 0090
In the High Court Of Kerala
Case No : M.A.C.A. No. 1521 of 2009

The Oriental Insurance Company Limited	APPELLANT
Vs	
Anupama Jasmine	RESPONDENT

Date of Decision : 03-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0090

Hon'ble Judges : M.N. Krishnan, J

Bench : Single Bench

Advocate : Mathews Jacob, for the Appellant; E.M. Murugan, for the Respondent

Judgement

M.N. Krishnan, J.—This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Pathanamthitta in O.P. (MV) 1183/01. A minor girl sustained injuries in a road accident and she has been awarded a compensation of Rs. 38,500/-and the 5th respondent, insurance company has been directed to deposit the amount. It is against that decision the insurance company has come up in appeal. Though the claimant and the owner are served they have not entered appearance.

2. Heard. The short point that has been argued before me is only regarding the liability to pay interest by the insurance company. The claim petition was filed on 15.10.01 making the United India Insurance Company as the insurer of the vehicle. Subsequently, only by virtue of the order in I.A. 2772/06 dated 26.6.08 the claimant has impleaded the present appellant as the insurance company. There is much force in the contention of the counsel for the insurance company that it shall not be saddled with the liability to pay interest for the laches committed by the claimant or the owner of the vehicle. I am in agreement with that contention and the insurance company which has been made a party after a period of almost four years 11 months and 9 days shall not be directed to pay the interest for that period. But the liability of the owner will persist. Therefore the award passed by the Tribunal is modified and it is made clear that the 5th respondent (insurance company) in the claim petition is liable to pay interest

only from 26.8.06 onwards and for the period from 15.10.01 to 25.8.06 the claimant shall collect the interest from the owner of the vehicle who is the 3rd respondent, in the claim petition. The appeal is disposed of accordingly.