

Mehta Madan Lal vs National Insurance Company Limited And ... on 7 January, 1983

Equivalent citations: AIR1983SC1136, 1983CRILJ1653, 1983(1)SCALE28, (1983)2SCC262, AIR 1983 SUPREME COURT 1136, 1983 (2) SCC 262, (1983) 2 APLJ 58.1, 1983 SCC (CRI) 840, 1983 SCC(CRI) 396, (1983) 2 APLJ 58.2, 1983 UJ (SC) 209, 1983 ACJ 348, 1983 UP CRIR 192, 1983 TAC 413, 1983 SCJ 348, 1983 UJ (SC) 209 (2), (1983) PAT LJR 100, (1983) 9 ALL LR 196, (1983) 1 SERVLR 203, 1982 BLJR 495

Bench: E.S. Venkataramiah, P.N. Bhagwati

ORDER

1. It is obvious that the order made by the High Court apportioning the compensation of Rs. 42,000/- awarded to Respondent No. 2 between 1st Respondent Insurance Company with whom the vehicle was insured and the appellant owner of the vehicle is erroneous because the liability for payment of compensation in case of a motor accident is the joint and several liability of the Insurance Company and the owner of the vehicle the liability of the Insurance Company being limited to Rs. 50,000/- and this liability cannot be apportioned between the Insurance Company and the owner of the vehicle. We, therefore, allow the appeal and set aside the order of the High Court only in so far as it seeks to apportion the liability for payment of compensation of Rs. 42,000/- between the appellant and the Respondent and direct that the 1st Respondent as also the appellants shall be jointly and severally liable to pay the amount of compensation of Rs. 42,000/- awarded by the Tribunal and confirmed by the High Court. The 1 appeal will stand disposed of accordingly.