

Supreme Court of India

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

Equivalent citations: AIR 1983 SC 1136, 1983 CriLJ 1653, 1983 (1) SCALE 28, (1983) 2 SCC 262

Bench: E Venkataramiah, P 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.