

Mehta Madan Lal

Vs

National Insurance Company Limited and Others

Civil Appeal No. 153 of 1983

(P.N. Bhagwati, E.S. Venkataramiah JJ)

07.01.1983

ORDER

It is obvious that the order made by the High Court apportioning the compensation of Rs. 42,000 awarded to respondent 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 being limited to Rs. 50,000 and this liability cannot be apportioned between the Insurance Company and the owner of the vehicle. We, before, allow the appeal and set aside the order the High Court only insofar as it seeks to apportion the liability for payment of compensation of Rs. 42,000 between the appellant and the 1st respondent and direct that the 1st respondent as also the appellant 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 appeal will stand disposed of accordingly.

</html