

DISTRIBUTION of INDEMNITY of INSURANCE AMONG SEVERAL THIRD PARTIES DAMAGED AT or BY THE SAME TRAFFIC ACCIDENT

(S u m m a r y)

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In this article the problems arising from the multiplicity of the third parties damaged at or by the same traffic accident are being handled and analyzed. What are the rights of the victims of traffic accidents against the insurer of the liable holder of a motor vehicle, if several people have been damaged (bodily injury, death etc.) at or by the same traffic accident and if the total amount of compensations raised by them exceeds the amount of insurance covered by the compulsory insurance.

This problem has been handled in the Turkish Traffic Law by the «Road Traffic Act» of 1953 (revised in 1961). According to this Act, which reflects the major provisions of the former Swiss Motor Vehicle Act of 1932 (Motorfahrzeuggesetz), if several persons have been damaged at or by the same traffic accident and if the amount of insurance covered by the compulsory insurance does not suffice the total amount of compensations of the third parties, the rights of the injured persons must be reduced proportionally to the amount of compulsory insurance.

The rule laid down by the Turkish «Road Traffic Act» of 1953 does not differ essentially from the arrangements of the other western legislations. Indeed the same rule may also be found in French and Belgian Laws as well as in the new Swiss Road Traffic Act of 1958.

Taking into consideration the attitudes and arrangements of the major european legislations and doctrines, the author tries to set out the certain conditions for the application of the above-mentioned rule laid down by the Turkish Road Traffic Act of 1953 and clarify some other problems relating to the distribution of the amount of insurance covered by the compulsory insurance among the several third parties damaged at or by the same traffic accident.