

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 2nd of JULY, 2024

MISC. APPEAL No. 1847 of 2018

(THE UNITED INDIA INSURANCE CO. LTD.

Vs

ANIL SITHA AND OTHERS)

Appearance:

(MS. ANJALI BANERJEE - ADVOCATE FOR THE APPELLANT)

(NONE FOR THE RESPONDENTS)

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ORDER

This miscellaneous appeal under Section 173 (1) of the Motor Vehicles Act 1988 has been filed by the appellant/non applicant no.3, the United India Insurance Co. Ltd. aggrieved by the award dated 16.01.2018 by learned 12th Additional Motor Accident Claims Tribunal, Bhopal in M.C.C. No.1654 of 2016 (Anil Sitha Vs. Rajesh Mehra and others), whereby for the motor accident dated 15.01.2016, learned tribunal has awarded a compensation of Rs.47,400/-.

2 . The non-applicant nos. 1 and 2, i.e. Driver and Owner of the offending vehicle remained absent before the claims tribunal and they were proceeded exparte. At the time of argument, learned counsel for the appellant submitted that they have filed this appeal for reduction of the compensation and this appeal can be disposed of after perusal of the record and service on the other party is not required.

3 . On perusal of the record, it is seen that I.A. No.11259 of 2018 for dispensing with the service on respondent nos. 2 and 3 was pending on 20.3.2024, but that was not pressed by learned counsel for the Insurance Company. Respondent no.1- Anil Sitha, the claimant is also unserved. The

relief sought in this appeal is that compensation should be reduced by 50% on the ground that there was contributory negligence on the part of the claimant to the tune of 50%. It is also prayed that insurance company may be exonerated.

4 . Looking to the facts and circumstances of the case as mentioned above there is no ground to interfere in the award. Hence, the award dated 16.01.2018 is confirmed and this appeal is **dismissed**.

5. Record of the claims tribunal be sent back alongwith copy of this order.

(AVANINDRA KUMAR SINGH)
JUDGE

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