

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1018 of 2014**

1. Shri Ram General Insurance Company Limited, Through Authorised Officer, Shri Ram General Insurance Company Limited, E/8, RIICO Industrial Area, Sitapura, Jaipur Rajashtahan, 302022.

---- Appellant**Versus**

1. Seluram Bareth, S/. Guhara Baresh, aged about 60 years, R/o. Reda, P.S./Tahsil- Malkharoda, District- Janjgir- Champa (C.G.)
2. Ramesh Kumar S/o. Balakriste, aged about 30 years, Caste- Telgu, R/o. Gangareddi, Bhura, Village- Balnagar, Mandal (Aandra Pradesh).

---- Respondents

For Appellant	:Shri S. S. Rajput, Advocate.
For Respondent	: None

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****05.04.2019**

1. This is Insurer's appeal against the award dated 07.07.2014 passed by First Additional Motor Accident Claims Tribunal, Shakti, District- Janjgir-Champa, Chhattisgarh in claim case No. 08/2014, awarding a total sum of Rs. 3,39,000/- in favour of claimant as compensation along with interest @ 6 percent per annum from the date of filing of claim petition till its actual payment, fastening liability upon the appellant/Insurance Company.

2. As per office report submitted by Office server, respondent No. 1 had died two years prior to 5.07.2017 and report to this effect has also

been mentioned in the office note dated 21.08.2017. This fact, after due verification has confirmed by Village Kotwar. He (village Kotwar) has stated in his statement that respondent No. 1 had died prior to 05.07.2017. After perusal of the office record, it reveals that appellant/Insurance Company did not file any application for substitution of the legal representative of deceased/respondent No. 1. The instant appeal is filed by the Insurance Company challenging on the ground of quantum and the name of the legal representative could not substitute, therefore, in these circumstances, the appeal is liable to be dismissed as abated for want of not bringing the L.Rs. of respondent No. 1 on record in accordance with law.

03. Consequently, appeal is dismissed as abated.

Sd/-

(Gautam Chourdiya)
Judge