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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 723 of 2019**

1. The United India Insurance Company Limited Through The Divisional Manger The United India Insurance Company Limited Office Transport Nagar Korba Tahsil And District Korba Chhattisgarh Through Authorised Signatory, United India Insurance Company Limited Divisional Office Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Tiharu Kenvat S/o Late Sitaram Aged About 48 Years
2. Bhagvati Bai W/o Tiharu Aged About 45 Years
3. Sarita D/o Tiharu Kenvat Aged About 17 Years
4. Punita D/o Tiharu Kenvat Aged About 15 Years
5. Lalita D/o Tiharu Kenvat Aged About 13 Years
6. Amit S/o Tiharu Kenvat Aged About 11 Years
7. Sumit S/o Tiharu Kenvat Aged About 9 Years

R-3 to R-7 are Minors Through Guardian Father Tiharu Kenvat (R-1) All R/o Village Puchheli Police Station And Tahsil Champa District Janjgir Champa Chhattisgarh. Present Address R/o Village Sumedha Tehsil Katghora District Korba Chhattisgarh.

8. Mahfooz Alam S/o Maqsd Alam Aged About 30 Years R/o Tongartoli (Correct Name Tongertoli) Police Station Lodam District Jashpur Chhattisgarh.
9. Chandrakant Singh Thakur S/o Jagdish Singh Thakur R/o Tiurpara Raigarh Police Station And Tehsil Raigarh District Raigarh Chhattisgarh.
10. The New India Assurance Company Limited, through Divisional Manager The New India Assurance Company Limited Office Transport Nagar Korba Chhattisgarh.

---- Respondent

For Petitioner	Shri B.N. Nande, Advocate
For Respondents No.1 to 7	None
For Respondent No.10	Shri Pankaj Agrawal, Advocate

Order On Board**By****Prashant Kumar Mishra, J.**11/03/2019

1. Petitioner would submit that the Motor Accident claim award was passed by the Additional Motor Accident Claims Tribunal, Katghora, District Korba, on 16-5-2017 in Claim Case No.47/2016 wherein the Insurer was arrayed as '**The New India Assurance Company Limited**'.
2. Against the said award, an appeal was preferred by the claimants for enhancement of the award amount bearing MAC No.1386 of 2017. In the said MAC the claimants wrongly impleaded 'The United Insurance Company Limited' in place of 'The New India Assurance Company Limited'.
3. Shri B.N. Nande, learned counsel appearing for the petitioner, would submit that on the date when MAC No.1386 of 2017 was listed for compromise before the Lok Adalat he was possessed of only the notice issued by the High Court and not with the entire record, therefore, the discrepancy in respect of misjoinder of parties could not be brought to the notice of the Court. He would submit that the award passed by the Lok Adalat is wrongly passed due to inadvertence of the claimants in impleading an incorrect Insurance Company, who was not at all involved in insuring the subject vehicle.

4. Shri Aditya Khare, learned counsel had appeared for the claimants/respondents No.1 to 7 on the last date of hearing, but today he is not present.
5. Considering the entire facts situation of the case and particularly for the fact that the award passed against '**The United Insurance Company Limited**', who had not insured the vehicle, is not appropriate, as no liability can be fastened on the petitioner on the basis of such award. Thus, the impugned award deserves to be and is hereby set aside.
6. For the foregoing, MAC No.1386 of 2017 stands revived. In the said MAC, the claimants shall correct the description of the Insurance Company and thereafter, the MAC may be posted for hearing or for compromise before the Lok Adalat.
7. As an upshot, the writ petition is allowed to the extent indicated above.

Sd/-

Judge
Prashant Kumar Mishra

Gowri