

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.1514 OF 2004

The United India Insurance
Company Ltd., Through its
Divisional Office, Divisional
Manager, United India Insurance
Company, Aurangabad.

.. APPELLANT

VERSUS

1. Shantabai w/o. Suwalal Chawel
Age 40 yrs. Occu. Household
R/o. Chousala, Tq. and
Dist. Beed.
2. Mangalchand s/o. Khinwaraj
Chawel, Age 70 yrs. Occu. Nil
R/o. As above.

[Deleted as per Court's Order
dtd.7.6.05]

3. Ratnabai w/o. Mangalchand Chawel
Age 65 yrs. Occu. Household
R/o. As above.
4. Dattatraya s/o. Gangadhar Umerdand
Age Major, Occu. Transport Business
R/o. Terkheda, Tal. Vashi
Dist. Osmanabad
[owner of the truck bearing
Reg. No. MWP 2153]

.. RESPONDENTS

...

Mr.S.V.Kulkarni, Advocate for the appellant.

Mr.S.S.Chapalgaonkar, Advocate for respondent nos.1 to 3.

...

CORAM : S.G.DIGE, J.

DATE : 11.08.2022

P.C. :

1] Against the judgment and award passed by the Motor Accident Claims Tribunal, Beed, the appellant has preferred this appeal on the ground of contributory negligence as two vehicles involved in the alleged accident. The claimant – respondent nos.1 to 3 had filed an application under Section 163-A of the Motor Vehicles Act [for short ‘M.V.Act’] for getting compensation.

2] It is settled position of law that in claim proceeding under Section 163-A of the M.V.Act, the Insurance Company cannot raise the defence or the plea of negligence. The Hon’ble Apex Court in the case of **United India Insurance Co. Ltd. Vs. Sunil Kumar & Anr.** in Civil Appeal No.9694 of 2013, decided on November 24, 2017 has held that under Section 163-A of the Act grant of

compensation on the basis of the structured formula is in the nature of a final award and the adjudication thereunder is required to be made without any requirement of any proof of negligence of the driver / owner of the vehicle (s) involved in the accident.

3] In view of the above, I pass the following order:-

ORDER

Appeal is dismissed. No order as to costs.

**[S.G.DIGE]
JUDGE**

DDC