

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1526 of 2015**=====
KARSHAN HASAM KOLI

Versus

DHARAMSHI MEMA BARARIA
=====

Appearance:

MR MEHUL S SHAH(772) for the PETITIONER(s) No. 1

MR VISHAL C MEHTA(6152) for the PETITIONER(s) No. 1

MR NIKUNT K RAVAL(5558) for the RESPONDENT(s) No. 5

MR VIBHUTI NANAVALATI(513) for the RESPONDENT(s) No. 2

RULE SERVED(64) for the RESPONDENT(s) No. 1

RULE UNSERVED(68) for the RESPONDENT(s) No. 4
=====CORAM: **HONOURABLE MR.JUSTICE S.G. SHAH****Date : 30/07/2018****ORAL ORDER**

Learned advocate Mr. Vishal C. Mehta appearing with Mr. Mehul S. Shah for the appellant submits that since appeal is mainly on the point of quantum of compensation, and more particularly, unserved respondent No.4 was though duly served before the Tribunal, he has remained absent before the Tribunal and therefore, relying upon the provisions of Order 47 Rule 14(4) of CPC read with decision of Hon'ble Supreme Court of India in the case between *A. Robert Vs. The United Insurance Co. Ltd. reported in AIR 1999 SC 2977*, notice upon respondent No.4 may be dispensed with. In view of such request, considering the fact that when Insurance Company has not challenged the award and thereby, when there is no dispute regarding incident, its

result and liability of the Insurance Company and thereby, when appeal is mainly on the issue of quantum of compensation, the notice upon unserved respondent No.4, who was *ex-parte* before the Tribunal is dispensed with. Thereby, now, appeal is ready for hearing. R & P is also received, hence, list the matter for final hearing on 25.9.2018.

BINOY B PILLAI

(S.G. SHAH, J)