

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 8968 OF 2026

(@ SPECIAL LEAVE PETITION (CIVIL) No.18587/2023

VIKASH SINGH

..... APPELLANT(S)

VERSUS

**DIVISIONAL MANAGER THE ORIENTAL
INSURANCE COMPANY LIMITED & ORS.**

..... RESPONDENT(S)

O R D E R

1. Leave granted.

2. None appears for the appellant on call, though Mr. Rajesh Kumar Gupta, learned counsel is present on behalf of the respondent-Oriental Insurance Company Limited.

3. Appellant is aggrieved by the impugned judgment and order dated 28.03.2023 passed by the High Court of Madhya Pradesh at Jabalpur (briefly the 'High Court' hereinafter) allowing Misc. Appeal No. 5200 of 2022 filed by the respondent.

4. Respondent had preferred the aforesaid appeal, being aggrieved by the award of compensation totaling ₹34,08,116.00 (rupees thirty four lakh eight thousand one hundred and sixteen only), passed by the Motor Accidents Claims Tribunal in favour of the appellant. Without entering into the rival contentions, what we notice is that on the date when the appeal was taken up for hearing, there was a strike call given by the Bar Council of Madhya Pradesh because of which lawyers were not present in the court. While certainly the High Court was justified in adversely commenting upon such strike,

the High Court went ahead and disposed of the appeal in the absence of lawyers.

5. We are of the view that it would meet the ends of justice if the matter is remanded back to the High Court for a fresh consideration on merit after hearing learned counsel for both the sides. In this regard, we may draw the attention of Order XLI Rule 17 of the Code of Civil Procedure, 1908, which reads as follows:

"(1) Where on the day fixed, or on any other day which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

[*Explanation.*—Nothing in this sub-rule shall be construed as empowering the Court to dismiss the appeal on the merits.]

(2) Hearing appeal ex parte - Where the appellant appears and the respondent does not appear the appeal shall be heard ex parte."

6. In the present case, the High Court went ahead and allowed the appeal of the respondent even when there is non appearance.

7. That being the position and without expressing any opinion on merit, we set aside the impugned judgment and order of the High Court dated 28.03.2023 with the direction that Misc. Appeal No.5200/2022 be heard and decided afresh after giving due opportunity of hearing to learned counsel for both the sides.

8. Civil Appeal is accordingly disposed of.

9. Pending application(s), if any, shall also stand disposed of.

.....J.

(UJJAL BHUYAN)

.....J.

(ATUL S. CHANDURKAR)

NEW DELHI;
July 14, 2026.
IZ

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18587/2023

[Arising out of impugned final judgment and order dated 28-03-2023 in MA No. 5200/2022 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

VIKASH SINGH

Petitioner(s)

VERSUS

DIVISIONAL MANAGER THE ORIENTAL INSURANCE COMPANY
LIMITED & ORS.

Respondent(s)

IA No. 158863/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 14-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Devendra Singh, AOR
Mr. Raj Kumar Sharma, Adv.
Mr. Sunil Kumar, Adv.
Mr. Saurabh Sharma, Adv.

For Respondent(s) :Mr. Rajesh Kumar Gupta, AOR
Ms. Ms. Jyoti Kaushik, Adv.

Mr. Vikas Upadhyay, AOR
Ms. Ankita Kashyap, Adv.
Mr. Nitin Gaur, Adv.
Mr. Ranveer Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Civil Appeal is disposed of in terms of the signed order.

2. Pending application(s), if any, shall also stand disposed of.

(IRAMNAZ)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)

(Signed order is placed on the file)