

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.454 of 2009

- =====
1. Ram Naresh Pandey, son of late Ganga Pandey
 2. Pem Pandey, son of late Ganga Pandey
- Both resident of village Ami, P.S. – Dighwara, District – Saran.

-----Petitioners-----Appellants

Versus

1. National Insurance Company Limited, Raja Bazar, Patna – 14.
2. Abhay Kumar, son of C. Prasad, resident of village – Mahendru, P.S. & District – Patna.
3. Shayam Bihari Choudhary, son of Ganesh Choudhary, resident of muhalla Kurjee, P.S. – Digha, District – Patna.

-----Opposite Parties-----Respondents

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL ORDER

4. 20-02-2015 None turned up on behalf of the appellant on repeated calls, similar was the position yesterday. Learned counsel representing respondent no. 1 is present.

Perused office notes as well as Memorandum of Appeal.

It appears that this Appeal has been preferred against judgment dated 20th June, 2009 passed in Claim Case No. 47/1999, by learned 3rd Additional District Judge, cum Claim Tribunal, Saran at Chapra.

The claimants are the appellants here

and their claim application has been dismissed after various considerations.

Owner and driver of alleged offending vehicle are respondent nos. 2 & 3 and since due to non-compliance of earlier peremptory order dated 3rd January, 2011, regarding filing of requisitions etc. for notice against such respondent nos. 2 & 3, the appeal has already been dismissed for non-prosecution against said owner and driver of the vehicle.

In view of the above, there appears no justification in keeping the appeal pending against the insurer respondent no. 1, consequently the appeal be treated dismissed against respondent no. 1 also.

Rajeev/-

(Akhilesh Chandra, J.)

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