

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

RSA-2092-1988(O&M)
Decided on:25.02.2015

M/s Hari Singh Partap SinghAppellant(s)

vs.

Jupiter General Insurance Co. Ltd.....Respondent(s)

CORAM HON'BLE MR. JUSTICE SURYA KANT

Present None for the appellant(s).

Mr.R.N.Singhal, Advocate for the respondent(s).

SURYA KANT, J (ORAL)

This regular second appeal assails the judgment and decree dated 15.12.1985, passed by Civil Court, Ambala as well as the judgment and decree dated 15.02.1988, whereby the learned Addl. District Judge, Ambala dismissed the appellant's first appeal and upheld the above mentioned judgment and decree of the trial Court.

The appellant sought recovery of Rs.40363.17 ps. Which included the principal amount as insurance claim on account of the loss of machinery gutted in the fire which took place in 1971. The incident of fire had allegedly taken place in the factory premises located in District Bathinda.

The Courts below have turned down the appellant's claim after holding that the suit was time barred. On merits also, there is a concurrent finding that M/s Murdia and Co. was not an agent of the respondent Insurance Company, hence, the correspondence between the appellant and M/s Murdia and Co. had no binding effect on the respondent. As a result of the findings returned against issues no.6 and 12, the suit and first appeal were dismissed.

No one appears on behalf of the appellant. On the

previous date of hearing as well as prior thereto on 28.01.2015 also, the appellant remained un-represented.

The record reveals that the appeal was ordered to be listed for hearing at the instance of the appellant. It, however, appears that after getting an order for listing of appeal for final hearing in 07.07.2008, the appellant has lost interest.

Appeal is consequently dismissed for non prosecution. Registry to send a copy of this order to the appellant at the given address.

25.02.2015
mamta

(SURYA KANT)
JUDGE