

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2177 of 1995
Date of decision: 07.01.2015

Oriental Insurance Company Ltd.Appellant

versus

Rajpal and others Respondents

FAO No.2178 of 1995
Date of decision: 07.01.2015

Oriental Insurance Company Ltd.Appellant

versus

Bhani Devi and others Respondents

FAO No.2179 of 1995
Date of decision: 07.01.2015

Oriental Insurance Company Ltd.Appellant

versus

Dhan Kaur and others Respondents

Present: Mr.Lalit Thakur, Advocate for the appellant.

S.S. SARON, J.

This order will dispose of FAOs No.2177, 2178 and 2179 of 1995. The said appeals have been filed by the appellant Oriental Insurance Company Limited against the judgment and award dated

18.05.1995 passed by the learned Motor Accident Claims Tribunal, Bhiwani.

The case files of the present cases were burnt in the fire that broke out in the premises of the High Court on 30.01.2011. The matter was widely reported in the Press. Appeals were issued to the general public and to the Bar to supply copies of paper books to help the Court to reconstruct the files. Several counsel did supply copies of the paper books. Some of the cases were re-constructed and posted for hearing.

The records in the present cases were burnt to a substantial extent. Whatever that was available was photocopied but the paper books of the appeals that were photocopied are not legible enough to make out as to what is contained in them.

Learned counsel for the appellant submits that he was earlier counsel for the Oriental Insurance Company and the cases have now been listed. He does not have the paper books of the cases.

Notice was issued to respondent No.1 Rajpal in FAO No.2177 of 1995. As per office report, respondent No.1 has been served through his wife. The particulars of respondents No.2 to 4 in the memo of parties are incomplete as the photocopy of the burnt record is not clearly legible. The name of respondents No.2 to 4 that are visible are Smt. Natia, Dharambir and Ved Parkash respectively.

In FAO No.2178 of 1995, notices were issued to the respondents. In terms of the initial office report it is recorded that notice issued to respondent No.1 Smt. Bhani Devi had been

received back with the report that she had died. Notices issued to respondents No.4 to 6 i.e. Surender Kumar, Vidya Devi and Bala Devi (minors) were received back duly served through their mother. Notices were served on respondents No.2 Ramesh Kumar and 9 Ved Parkash. Respondent No.3 Krishan Kumar was served through his brother. Notice issued to respondent No.8 Dharambir was not received back. Thereafter, in the subsequent office report it is recorded that respondent No.3 Krishan Kumar had been served through his wife and respondent No.9 Ved Parkash had refused to accept notice and affixation was made.

In FAO No.2179 according to the initial office report, respondent No.1 Dhan Kaur had married and was residing with her in-laws. Respondent No.2 Rattan Singh was served through his mother and respondents No.3, 4 and 5 Sushil, Kailasho Devi and Santosh Kumari (minors) were served through their mother. Notices issued to respondents No.6 and 7 Smt. Matia and Dharambir were not received back and notice issued to respondent No.8 Ved Parkash was served on him. In the subsequent office report, it is recorded that notices issued to respondents No.2, 6 and 7 Rattan Singh, Smt. Matia and Dharambir were not received back served or unserved. Thereafter the office report is that respondent No.2 Rattan Singh was served through his wife and respondent No.6 and 7 Smt. Matia and Dharambir could not be served due to incomplete addresses.

Learned counsel for the appellant does not have the complete addresses of respondents No.6 and 7 in FAO No.2179 of 1995 and he does not have the paper books of any of the cases.

In the circumstances, this Court is unable to decide the appeals for want of complete necessary records and the paper books as available are the photostat copies of the burnt record, which itself are not much legible.

In the circumstances, the appeals are dismissed for want of availability of record. However, liberty is given to the appellant to seek revival of the same as and when necessary record is furnished by them.

(S.S. SARON)
JUDGE

07.01.2015
A.Kaundal