

In the High Court of Punjab and Haryana at Chandigarh

FAO-128 of 1996

Date of Decision: 24.10.2016

Smt. Suman Gosai and others

---Appellants

versus

Surinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Atul Goyal, Advocate
for Mr. Arvind Mittal, Advocate
for the appellants
Mr.Pardeep Goyal, Advocate
for respondent No. 3**

Rekha Mittal, J.

Counsel for the appellants has expressed his inability to file an application for substitute service of respondent Nos. 1 and 2.

The present appeal has been preferred by the claimants seeking enhancement of compensation in regard to death of Rakesh Gosai in a motor vehicular accident. The Motor Accidents Claims Tribunal, Fatehgarh Sahib

(in short “the Tribunal”) allowed compensation holding the driver, owner and insurer of the alleged offending vehicle jointly and severally liable to pay compensation. The insurance company preferred an appeal against the award passed by the Tribunal and vide order dated 30.9.2010 passed by this court in FAO Nos. 1832 to 1838 of 1995, the insurance company has been given recovery rights against the driver and insured of the offending vehicle.

As the appellants have failed to get respondent Nos. 1 and 2 served despite number of opportunities granted for the purpose coupled with the factum that the insurance company has been given recovery rights by this Court, their claim for enhancement of compensation cannot be accepted even if otherwise found tenable. That being so, the appeal filed by the appellants is ordered to be dismissed.

(Rekha Mittal)
Judge

24.10.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No