

In the High Court of Punjab and Haryana at Chandigarh

FAO-129 of 1996

Date of Decision: 24.10.2016

Smt. Krishna Devi

---Appellant

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 appellant
Mr.Pardeep Goyal, Advocate
for respondent No. 3

Rekha Mittal, J.

Counsel for the appellant 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 injured-victim seeking enhancement of compensation in regard to injuries suffered by her 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 appellant has failed to get respondent Nos. 1 and 2 served despite number of opportunities granted for the purpose appeal against respondent Nos. 1 and 2 is ordered to be dismissed. As the appeal against respondent Nos. 1 and 2 has been dismissed, claim for enhancement of compensation cannot be allowed even if otherwise meritorious. That being so, the appeal filed by the appellant is ordered to be dismissed.

(Rekha Mittal)
Judge

24.10.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No