

FAO No. 2597 of 1998 (O&M)

Date of decision : 01.03.2016

Anand and others

.....Appellants

Versus

Puran Chand alias Puran and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Kulvir Narwal, Advocate
for the appellant.Mr. R.N. Singal, Advocate
for respondent No. 3- insurance company.

LISA GILL, J.

A perusal of file reveals that the appellant was afforded two week's time on 02.07.2014 to take necessary steps for impleading legal representatives of respondent No. 2 - Ram Sarup, owner of the offending vehicle. Various opportunities were afforded to learned counsel for the appellants to comply with the above said order. However, on 26.05.2015, it was stated by learned counsel for the appellants that respondent No. 2 i.e. owner of the offending vehicle was still alive. In view thereof, fresh notice was directed to be issued to respondent No. 2.

As per office report, ordinary notice issued to respondent No. 2 - Ram Sarup, owner of the offending vehicle has been received

back unserved with the report that he has passed away in the year 2008. Death certificate issued by Sub Registrar Birth & Death, Registration Unit Municipal Council, Hisar has been attached alongwith. Dasti notice issued to respondent No. 2 has not been received back served or otherwise.

Learned counsel for the appellants submits that despite best efforts, including sending a registered letter, he is unable to contact the appellants. He has no instructions in this matter.

In view of the statement made by learned counsel for the appellants, there is no other alternate except to dismiss this appeal for non-prosecution with liberty to the appellants to move an appropriate application for revival of this appeal within three months, in case the appellant is able to take necessary steps for bringing on record the legal representatives of respondent No. 2.

March 01, 2016
rts

(Lisa Gill)
Judge