

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No.5579 of 2005 (O&M)

Date of Decision: 04.05.2016

Mohit (minor)

....Appellant

Vs.

Bhim Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: None for the appellant.

Mr. Sandeep Goyal, Advocate
for respondent No.1.

Amol Rattan Singh, J (Oral)

As per the order dated 19.03.2014, fresh notice was issued to the respondents, this being of the cases burnt in the fire incident that occurred in January, 2011.

In the order dated 05.09.2014 it is shown that respondents No.2(a) and 2(b) could not be served as they were not residing at the given address. Respondent No.2 was reported to have died. Therefore, learned counsel for the appellant had sought time for furnishing the correct addresses of respondents No.2(a) and 2(b) and bringing on record the LRs of respondent No.2.

Though that request may have been erroneously made by the learned counsel for the appellant, since there is no respondent No.2 and only respondents No.2(a), 2(b) and 2(c) are shown to have been arrayed as parties before the learned Tribunal, (other than respondent No. 1). Seemingly obviously, they would be the LRs of the original respondent

No.2, i.e. the owner of the vehicle in question.

Be that as it may, thereafter, despite three opportunities, no fresh addresses of the said respondents were supplied.

On February 04, 2016, learned counsel for the appellant submitted that he has not been able to obtain the fresh addresses of the said respondents and as such, sought time to serve them by way of substituted service at the last known addresses of the said respondents.

However, no application even seeking substituted service, has been moved so far in the past three months. Learned counsel for the appellant is also not present.

Hence, even though this is an appeal by a minor claimant before the learned Motor Accidents Claims Tribunal, this Court has no choice but to dismiss the appeal for non-prosecution.

Ordered accordingly.

A copy of this order be sent to the appellant by the Registry.

May 04 , 2016

vcgarg

(AMOL RATTAN SINGH)
JUDGE