

210-A

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

**FAO-6705-2012 (O&M)
Date of Decision:21.03.2016**

DARSHAN KHAN

...Appellant

VERSUS

GURCHARAN KAUR AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rajbir Singh, Advocate
for the appellant.

Mr. Aditya Kochar, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.7.

DARSHAN SINGH J. (ORAL)

This fact is not disputed that earlier the appellant has filed the first appeal against the order i.e. Award dated 28.03.2009. In that appeal, following order was passed:-

“Learned Counsel for the appellant wishes to withdraw this appeal to file cross objections in the appeal filed by the Insurance Company.

Dismissed as withdrawn. Liberty granted.

April 29,2010

*Sd/- V.K. Sharma
Judge.”*

It is not disputed that as per the liberty granted by this Court, no cross-objections were filed by the appellant rather this second appeal on the

same cause of action has been filed without seeking any liberty to do so.

Learned counsel for the respondent-Insurance Company has produced the copy of the judgment in FAO No.3808 of 2009 and FAO No.3809 of 2009, decided by a co-ordinate Bench on 06.09.2010. It shows that the appeals filed by the respondent-Insurance Company have been decided after the previous appeal filed by the appellant was dismissed as withdrawn vide order dated 29.04.2010. The appellant had only sought the liberty to file the cross-objections and not the second appeal on the same cause of action. So, the present appeal is not maintainable.

The same is hereby dismissed.

The statutory amount of Rs.25,000/- deposited by the appellant be sent to the learned Tribunal for disbursement to the respondent-Insurance Company to whom the recovery rights have been given.

(DARSHAN SINGH)
JUDGE

March 21, 2016
rajneesh