

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

**C.M No.11010-CII of 2013 in/and
F.A.O. No.2349 of 2013
Date of Decision : 26.02.2016**

Rekha Devi and others

..... Appellants

versus

Swaran Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. J.S. Cooner, Advocate
for the appellants.

Mr. Nitin Mittal, Advocate
for Mr. Subhash Goyal, Advocate
for respondent No.3.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

C.M No.11010-CII of 2013

This is an application for condoning the delay of 1171 days in
filing the appeal.

For the reasons recorded, the application is allowed subject to
all just exceptions. Delay condoned.

FAO-2349-2013

This appeal has been filed against the order of the Tribunal

dismissing the petition on the ground that no evidence was led.

Learned counsel for the appellants has argued that the deceased was a young man and his widow and parents were completely devastated by his death and that is why they could not lead evidence.

Learned counsel for the respondent No.3 has pointed out that the claim petition was filed in the year 2008 and it was dismissed in the year 2009 and the present appeal was filed in the year 2013 where there is already a huge delay. Consequently, the appeal has to be dismissed.

In my opinion, in the interest of justice the respondent No.3 can be safeguarded by stipulating that the appellants would not be entitled to any interest from the date of death till today. Ordered accordingly. If the claim petition is allowed the interest would be computed from today. With this stipulation the appeal is allowed and the impugned order is set aside. The matter is referred back to the MACT, Gurdaspur.

Parties through counsel are directed to appear before the Tribunal on 21.04.2016. It is however clarified that the service upon respondents No.1 and 2 which were exempted before this Court would have to be effected.

Let the record of the case be also sent to the Tribunal.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 26, 2016

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**(AJAY TEWARI)
JUDGE**