

FAO No. 4090 of 2013

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In the High Court of Punjab and Haryana at Chandigarh

FAO No. 4090 of 2013

Date of Decision: 11.7.2016

Jasbir Kaur @ Jasvir Kaur

---Appellant

versus

The Bajaj Allianz General Insurance Co. Ltd. and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ankush Singla, Advocate
for the appellant
None for the respondents

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

Rekha Mittal, J.

The present appeal has been directed against the award dated

1.12.2012 passed by the Motor Accident Claims Tribunal, Sangrur (in short “the Tribunal”) whereby compensation has been awarded in favour of Sukhpal Kaur and others under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”) in respect of death of Amrik Singh son of Bachan Singh in a motor vehicular accident on 13.8.2010.

Alongwith the appeal, an application was preferred (CM No. 16436-CII of 2013) for exempting from deposit of Rs. 25,000/- in compliance with the provisions of Section 173 of the Act. The application was dismissed vide order dated 9.7.2015 and a relevant extract therefrom reads as follows:-

CM No.16496-CII of 2013

This is an application for dispensing the deposit of Rs.25,000/- for filing of the appeal.

Heard. No ground for dispensing the deposit of Rs.25,000/- is made out.

Dismissed.

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Learned counsel for the appellant is directed to deposit an amount of Rs.25,000/- in the Registry before the date fixed.

Adjourned to 17.09.2015.”

Since 9.7.2015, the appellant was provided with a number of opportunities to deposit the amount of Rs. 25000/-. The order dated 15.1.2016 passed by this Court reads as follows:-

“On last date the following order was passed :-

“Learned counsel for the appellant submits that after the last date of hearing, appellant had contacted him and had come to him with cash for depositing the amount of Rs.25,000/-. He had asked him to get a draft prepared but he did not return thereafter. Learned counsel seeks some more time to contact the appellant. Posted to 15.1.2016.”

Learned counsel for the appellant states that despite his efforts the appellant has not contacted him and seeks one more opportunity to contact the appellant.

Last opportunity is granted.

Adjourned to 11.07.2016.”

Despite last opportunity, the appellant has failed to make necessary compliance. Counsel for the appellant has expressed his inability to deposit Rs. 25000/- as his client has not come forward to do the needful.

Dismissed.

(Rekha Mittal)
Judge

11.7.2016

PARAMJIT