

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

FAO No.4825 of 2013 (O&M)

Date of decision: 22.07.2016

Indrawati

...Petitioner

Versus

Anand and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the petitioner.

None for respondent No.3.

REKHA MITTAL J. (Oral)

The present appeal has been filed by the appellant against order dated 04.03.2013 passed by the Motor Accident Claims Tribunal, Bhiwani, dismissing the petition for grant of compensation.

Respondent No.1 – driver of the alleged offending vehicle has not been served. On 14.05.2015 notice to respondent No.1 was ordered to be issued on filing of correct address. In the past more than one year, the case has been adjourned on a number of occasions to enable the appellant to furnish correct address of respondent No.1. On 17.03.2016, the order passed by this Court reads as follows:-

“Current and complete address of respondent No.1 was not filed by the appellant. The direction was not complied with despite number of opportunities already availed.

On request of learned counsel for the appellant one more but last opportunity is given subject to payment of costs of Rs.1000/-. The costs be deposited in the High Court Legal Services Authority, Chandigarh.

Current and complete address of respondent No.1 be filed within 20 days and then notice to him be issued for 22.07.2016.”

The appellant has neither deposited cost of Rs.1,000/- nor furnished address of respondent No.1. On the contrary, there is no representation on behalf of the appellant. In absence of respondent No.1, no liability can be fastened against the other respondents even if the judgment of dismissal is set-aside. Finding no alternative, the appeal is dismissed for non-prosecution.

22.07.2016

yakub

**(REKHA MITTAL)
JUDGE**