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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 143/2016**

PRATIMA CHAKRABORTY Appellant

Through: Mr. Sonal Sinha, Adv.

versus

NEW INDIA INSURANCE COMPANY LTD & ORS

Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **01.04.2016**

The accident claim petition presented by the appellant, which was registered as Suit No. 54/2016, was listed before the motor accident claims tribunal on 29.01.2016, when the following order was passed:-

“Petitioner is absent again. Petitioner has not presented herself for cross-examination. The matter is pending for evidence since 19.2.2013. It seems that petitioner is not interested in pursuing with case further.

In such circumstances, I do not deem it appropriate to adjourn the matter as well as the proceedings. The proceedings are hereby closed by order.

File be consigned to record room.”

The appellant challenges the above mentioned order through the appeal at hand. On being asked, the counsel stated that he has not approached the tribunal for explaining the default or for restoration. Instead of rushing to this Court, that would have been the proper remedy. The

counsel now wants to move an application for restoration and does not press the appeal. It must, however, be observed at the same time that the closure of the proceedings by the tribunal in the manner done is incomprehensible. If the appellant moves an application seeking restoration it shall be considered by the tribunal on its merits.

The appeal is dismissed as withdrawn with liberty to move the tribunal as prayed for.

R.K.GAUBA, J

APRIL 01, 2016

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