

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

FAO-1906-2004 (O&M)
Date of decision: 25.09.2017

Jasbir Kaur and others

.... Appellants

Versus

Malkiat Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Saurav Bhatia, Advocate for
Mr.H.S.Tuli, Advocate
for the appellants.

Mr. Akshit Aggarwal, Advocate for
Mr. Sherry K.Singla, Advocate
for respondent No.2.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 30.01.2004 passed by Motor Accidents Claims Tribunal, Patiala (hereinafter referred to as the 'Tribunal').

Karam Singh lost his life in a vehicular accident which occurred on 03.10.2002. He was struck by a tractor trolley bearing registration No.PB-11H-3657.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was moved.

The Tribunal after considering the witnesses and evidence, awarded a sum of Rs.1,06,00/- alongwith interest of 6% per annum.

The present appeal is filed for enhancement of compensation.

During the pendency of the appeal, an application No.13659-CII

of 2016 was moved by respondent No.2 for placing on record the statement made before the Executing Court by the claimant-Jasbir Kaur. Statement dated 12.10.2010 is reproduced as under :-

“I have received Rs.1,52,720/- from Surjit Singh son of S.Gajjan Singh respondent. Now nothing is due against him. The same may be dismissed being fully satisfied. I have filed RFA in Hon'ble High Court against the judgment dated 30.01.2004 for the enhancement the claim amount and the same be also withdrawn by me.”

Faced with this situation, counsel for the appellant has stated that his clients are giving him no instructions and not he is not in a position to pursue the appeal any further.

In view of the fact, the appeal is dismissed for non-prosecution.

However, the appellant is given liberty to revive the appeal in case anything survives in the said appeal.

(AVNEESH JHINGAN)
JUDGE

25.09.2017

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Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : No