

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

FAO No.4257 of 2002 (O&M)

Date of decision: 16.11.2018

Lakhwinder Singh

....Appellant

VERSUS

Tara Singhy @ Avtar Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Harjinder Singh, Advocate for
Mr. Vishal Rattan Lamba, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against award dated 05.05.2002 passed by the Motor Accidents Claims Tribunal, Bathinda (in short 'the Tribunal') whereby application under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation in respect of injury allegedly sustained by the appellant in a motor vehicular accident on 01.03.1999 due to rash and negligent driving of Van No.PB-03/7076 by Tara Singh – respondent No.1 has been dismissed.

The appeal against respondent No.1 was ordered to be dismissed vide order dated 21.09.2018. A relevant extract therefrom, reads as follows:-

“Counsel for the appellant has failed to comply with order dated 03.07.2018 despite last opportunity granted for the purpose.

A relevant extract from order dated 03.07.2018, reads as follows:-

“Last opportunity is provided to file an appropriate application for bringing on record legal representative(s) of respondent No.1 failing which it may be of adverse consequence.

Be listed on 21.9.2018.”

In view of the above, appeal against respondent No.1 stands dismissed. Its adverse affect qua other respondent would be seen at the time of final disposal. The Registry is directed to make necessary endorsement in memo of parties in this regard.”

As appeal against respondent No.1, alleged driver of the offending vehicle, has failed and the Tribunal has answered issue No.1 with regard to rash and negligent driving of offending vehicle by respondent No.1 against the appellant, nothing survives for consideration of this Court. Resultantly, appeal filed by the appellant is ordered to be dismissed.

NOVEMBER 16, 2018
‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No