IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.865 of 1992(O&M)

Date of decision: 23.5.2018

National Insurance Co. Ltd. .....Appellant

VERSUS

Ajaib Singh and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Deepak Suri, Advocate for the appellant.

Mr. J.C. Batra, Advocate for respondent No.1.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 04.12.1991 passed by the Motor Accidents Claims Tribunal, Ludhiana (in short 'the Tribunal') whereby compensation has been awarded on account of injuries sustained by Ajaib Singh – respondent No.1 in a motor vehicular accident that took place on 07.10.1989.

Counsel for the appellant has failed to file application for impleading LRs of respondent No.2 despite numerous opportunities granted for the purpose since 06.10.2017. A relevant extract from order dated 05.04.2018 reads as follows:-

> "Counsel for the appellant has failed to file application for impleading legal representative(s) of respondent No. 2 since October 6, 2017 despite last opportunity provided for the purpose. As a consequence, appeal against respondent No. 2 shall be deemed to be dismissed.
>
> The Registry is directed to make necessary endorsement on the memo of parties, in this regard.
>
> Be listed on 23.05.2018 for arguments."

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Counsel for the appellant has expressed his inability to file an application in this regard as he has not received any instructions from the company. The Court is left with no alternative except to dismiss the appeal against respondent No.2 whereas appeal against respondent No.3 has already been dismissed vide order dated 01.03.2018.

Counsel for the appellant would fairly inform that as the appeal has been preferred by the insurance company to raise the question of limited liability and its entitlement to recover the amount paid over and above Rs.50,000/- to the claimant, nothing survives for consideration in appeal against respondent No.1.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

MAY 23, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no

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