

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

382

FAO-393-1996 (O&M)

Date of Decision : 12.03.2018

Hari Singh and another

..... Appellants

Versus

Ram Pal Mehra and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arvind Mittal, Advocate
for the appellants.

Service upon respondent No.1
dispensed with.

Mr. Sanjeev Pabbi, Advocate
for the respondent No.2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Commissioner, Patiala dated 29.05.1995 under the Workman's Compensation Act, 1923 wherein compensation was awarded for the death of Manjinder Singh.

Service upon respondent No.1 was dispensed with. He had also been proceeded against ex-parte before the Commissioner. Today the counsel for the appellants states that he had moved an application under Order 14(a) at that time because the respondent No.1 had changed his address and the appellants have not been able to ascertain his correct address but actually the respondent No.1 has to be served, more particularly since the only surviving claim is with respect to penalty. Counsel for the appellants prays for one more opportunity to enable the appellants to ascertain the correct address of respondent No.1.

In my opinion, the request cannot be acceded to. The case has been listed for the past almost three months but no effort has been made by the appellants to ascertain the correct address. Even in the year 1996 the appellants very well knew that service on the respondent No.1 would be necessary in case they wanted to get any relief against him. Consequently, I find no ground to grant any relief to the appellants.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 12, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No