

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

FAO No.248 of 2007(O&M)

Date of decision: 27.4.2018

Resham and anotherAppellants

VERSUS

Bholla and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikas Chaudhary, Advocate for the appellants.

Mr. R.C. Kapoor, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The present appeal has been filed by the claimants to assail award dated 12.08.2006 whereby application for grant of compensation on account of death of Khilloni has been dismissed by the Tribunal.

On 15.09.2015, order passed by this Court reads as follows:-

“As per office report, notice could not be issued to respondent No.1 for want of correct address.

Respondent No.2 is reported to have been died.

Requisite application for arraying the LRs of respondent No.2 be filed and thereafter, notice to them be issued for 20.03.2016.

On filing of fresh and correct address, notice to respondent No.1 be issued for the date fixed.”

The appellants neither furnished correct address of respondent No.1 nor filed an application for impleading LRs of respondent No.2 for the past 2 ½ years despite the case being adjourned on number of

occasions. Under the circumstances, appeal against respondents No.1 and 2 is ordered to be dismissed for necessary compliance. As the appeal against respondents No.1 and 2 is ordered to be dismissed, nothing survives for consideration with regard to appeal against the insurance company because insurance company can be held liable to pay compensation only if the insured is held liable for conduct of his driver of having caused the accident due to his rash and negligent driving. In this view of the matter, the appeal is dismissed.

APRIL 27, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no