

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

208

**FAO-2169-2011 (O&M)
Date of Decision : 10.8.2018**

Smt. Krishna Devi and others

..... Appellants

Versus

Pardeep @ Bitto and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Rujhan Dhawan, Advocate for
Mr. Vikas Lochab, Advocate
for the appellant(s).

AJAY TEWARI, J. (Oral)

This appeal has been filed against the dismissal of the claim petition filed by the appellants.

On 6.7.2018 the following order was passed :-

“CM-7147-48-CII-2018

These are applications for condoning the delay of 56 days in refiling and 18 days in filing the appeal.

Ordered accordingly. Delay condoned subject to the condition that the appellants shall not be entitled to the interest for the period during which the appeal was delayed in case the appeal is allowed.

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The matter has been pending for the last seven years.

Last opportunity to furnish correct address of respondent No.2 is granted. In that event, let fresh notice be issued for 28.09.2018; otherwise list on 10.08.2018.”

Today the matter has been listed because correct address of respondent No.2 was not filed. Counsel states that despite his best efforts

he has not able to get the correct address of respondent No.2. Otherwise I find that in this FAO unserved respondent No.2 was the owner and there was no insurance and if the appellants have not been able to ascertain the address for the last seven years it is not likely that even if this appeal is allowed and the compensation is granted they would be able to have been made recovery. It is also clear that the appeal cannot proceed further without hearing respondent No.2.

In the circumstances, the appeal is dismissed for non-prosecution. Liberty is however granted to the appellant for revival of the matter in case he ascertains the address of the respondent No.2.

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

10.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No