

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

FAO-5079-2011 (O&M)

Date of Decision:13.03.2018

Kishan Lal

.....Appellant

Versus

Gagandeep Singh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Tarundeep Kumar, Advocate,
for the appellant.

Mr. D.S. Chanan, Advocate,
for respondent No.1.

Mr. D.K. Prajapati, Advocate,
for Mr. Raghujeet Singh Madan, Advocate,
for respondent No.2-Insurance Company.

HARI PAL VERMA, J.(Oral)

Appellant-owner/driver has filed the present appeal against the award dated 17.08.2010 passed by learned Motor Accident Claims Tribunal, Hoshiarpur (for short “the Tribunal”), whereby a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the respondent No.1-claimant Gagandeep Singh, was allowed and on account of injuries suffered by him in the motor vehicular accident, which took place on 29.03.2006, the claimant was awarded a total compensation of ₹1,55,392/-.

On 22.11.2011, when the appeal was listed for motion hearing,

following order was passed by this Court:-

“Heard.

Application is allowed.

The execution proceedings of the award is stayed subject to the appellant depositing 50% of the awarded money within two months.”

Thereafter, the matter is pending before this Court on different dates. On 19.01.2017, this Court passed the following order:-

“Learned counsel for respondent No.1 submits that the execution proceedings of the award were stayed by this Court vide order dated 22.11.2011 subject to the appellant depositing 50% of the award money within two months. Subsequent to that neither the appellant has complied with the order of this Court nor as requested the matter has been amicably settled.

Considering the submissions made the appellant is directed to comply with the order dated 22.11.2011 passed by this Court failing which his appeal shall be dismissed. List on 27.04.2017.”

Since the order dated 22.11.2011 was not complied with, learned counsel for the appellant had sought time to seek instructions in the case. Accordingly, on 27.04.2017, this Court passed the following order:-

“Learned counsel for the appellant requests for one more opportunity to seek proper instructions from the appellant. List on 22.08.2017.

It is made clear that in case the 50 % of the award amount is not deposited as already ordered on 19.01.2017, the appeal shall be deemed to be dismissed.”

Today again, there is a request for an adjournment.

I have heard learned counsel for the parties.

Since the order dated 22.11.2011 has not been complied with

and thereafter, despite other opportunities including 27.04.2017, 50% awarded amount has not been deposited, this Court is left with no option except to dismiss the appeal.

March 13, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No