

FAO No. 2591 of 2016(O&M)
Date of Decision: 4.9.2018.

Rajesh Kumar

---Appellant

versus

Shashi Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellant

None for the insurance company-respondent No. 3

Rekha Mittal, J.

Notice to respondent No. 2 could not be issued as counsel for the appellant did not comply with order dated 17.4.2018.

A relevant extract from order dated 17.4.2018, reads as follows:-

“Notice to respondent No. 2 could not be issued as counsel for the appellant did not comply with order dated 29.11.2017.

Last opportunity is provided to do the needful within a period of fifteen days, failing which the appeal against respondent No. 2 shall be deemed to be dismissed. On necessary compliance, notice to respondent No. 2, returnable for 4.9.2018.”

There is no representation on behalf of the appellant to say something in the matter. The situation was no different on the last date of hearing. As such, appeal against respondent No. 2 i.e. owner of truck

bearing No. HP-53-A-0638 (alleged offending vehicle) is dismissed.

As appeal against the owner has been dismissed, nothing survives for consideration of this court with regard to enhancement of compensation against the insurance company.

Disposed of accordingly. As the appeal has been disposed of in the aforesaid terms, application for condonation of delay in refiling the appeal is of academic relevance only.

(Rekha Mittal)
Judge

4.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No