

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-6293-2015 (O&M)

Date of decision: 16.05.2018

Dhanno Devi and others

..... Appellants

Versus

Babu Ram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: None for the appellants.

Mr. Upender Prasher, Advocate for
Mr. Saurabh Garg, Advocate for respondents No. 1 and 2.

Ms. Vandana Malhotra, Advocate
for respondent No. 3-Insurance Company.

RAMENDRA JAIN, J. (ORAL)

Even on the second call, the appellants have gone un-represented. None had appeared for the appellants, on the last date of hearing also.

On the previous date, it was pointed out by learned counsel for respondent No. 3-Insurance Company that in the claim petition filed by the appellants under Section 163-A of the Motor Vehicles Act, 1988, (for short-'the Act'), they have already been awarded compensation in excess then their entitlement by the Tribunal, vide consolidated impugned Award dated 13.11.2014. Therefore, the same is liable to be reduced. Despite the above fact, in the interest of justice, the instant appeal was adjourned for today, but since none has again appeared on behalf of the appellants even on the second call, therefore, it can safely be presumed that the appellants or

their counsel are intentionally not coming forward to pursue this appeal deliberately, knowing well that their appeal, being not maintainable, is liable to be dismissed, inasmuch as, they have already been granted excess compensation against the provisions of Section 163-A of the Act.

The above contention of learned counsel for respondent No. 3- Insurance Company, remained un-controverted. Therefore, the instant appeal is dismissed being not maintainable and for want of prosecution as well.

May 16, 2018
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No