

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

FAO-1385-1995 (O&M)
Date of decision:- 26.02.2019

The New India Assurance Co. Ltd., Amritsar
...Appellant

Versus

Sajjan Singh and others
...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Paul S. Saini, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

Heard learned counsel for the appellant.

Office report indicates that despite pendency of this appeal for more than 24 years since 1995, respondents No. 1 and 2 (claimants) are still unserved. The report further indicates that the said respondents have remained unserved for want of their correct address which the appellant was under an obligation to supply.

2. Learned counsel for the appellant states that he does not propose to claim any relief as against respondents No. 1 and 2 (claimants) and is confining the scope of this appeal only against respondents No. 3, 4 and 5 the driver and the two co-owners of the offending vehicle who are under an obligation to reimburse the awarded amount to the claimants since the driving license of the driver of the offending vehicle was found by the Tribunal to be fake and fabricated. Order sheet dated 07.01.2015 records that respondent No. 5 is dead.

3. Since the appellant has failed to bring on record the heirs of the deceased co-owner/respondent No. 5, the appeal against the said respondent stands abated.

4. Since the liability of respondents No. 3, 4 and 5 is joint and several, appeal as a whole stands abated and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.02.2019
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No