

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 3.7.2019

FAO No. 755 of 2011(O&M)

Bhangi Dass @ Bhagirath Lal

---Appellant

versus

Surjit Singh and others

---Respondents

FAO No. 762 of 2011(O&M)

Mahinder Singh

---Appellant

versus

Surjit Singh and others

---Respondents

FAO No. 767 of 2011(O&M)

Karamjit Kaur

---Appellant

versus

Surjit Singh and others

---Respondents

FAO No. 769 of 2011(O&M)

Akki Devi and others

---Appellants

versus

Surjit Singh and others

---Respondents

FAO No. 771 of 2011(O&M)

Sadhu Singh and another

---Appellants

versus

Surjit Singh and others

---Respondents

FAO No. 772 of 2011(O&M)

Kewal Singh and others

---Appellants

versus

Surjit Singh and others

---Respondents

FAO No. 773 of 2011(O&M)

Gejo Kaur and others

---Appellants

versus

Surjit Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Jaganjot Sodhi, Advocate
for Mr. Gaurav Chopra, Advocate
for the appellant(s)**

**Mr. Mukesh Kumar Bhatnagar, Advocate
for respondent No. 1**

**Mr. J.S.Chatrath, Advocate,
for Mr. Ashwani Talwar, Advocate
for respondent No. 3**

Rekha Mittal, J.

This order will dispose of FAO Nos. 755, 762, 767, 769, 771, 772 and 773 of 2011 as these have emerged out of the same accident that took place on 31.12.2006. For facility of reference, facts are taken from

FAO No. 755 of 2011.

Challenge in the present appeal has been directed against award dated 24.10.2008 passed by the Motor Accidents Claims Tribunal, Sangrur (in short “the Tribunal”) whereby application for grant of compensation in respect of injuries sustained by Bhangi Dass @ Bhagirath Lal was dismissed.

Notice to respondent No. 2-owner of offending bus No. PB-31D-7225 could not be issued as counsel for the appellant failed to furnish latest address of the said respondent. A relevant extract from order dated 15.12.2018, reads as follows:-

“Notice could not be issued to respondent No. 2 as counsel for the appellant did not comply with order dated 19.9.2018.

Perusal of the records would reveal that seven appeals are pending for service of respondent No. 2 since October 2017.

Last opportunity is provided to the appellant for necessary compliance within three weeks, failing which appeal against respondent No. 2 shall be deemed to be dismissed.

On necessary compliance, notice to respondent No. 2, returnable for 4.2.2019.

A photocopy of this order be placed on the files of connected cases.”

Subsequent thereto, notice issued for service of respondent No. 2 was received back unserved due to incomplete address and the appellant was called upon to furnish latest/correct address of respondent No. 2 within

10 days, vide order dated 4.2.2019. Despite availing five months, the appellant failed to comply with order dated 4.2.2019. In the given circumstances, there is no option with the court except to dismiss the appeal against respondent No. 2.

As appeal against respondent No. 2-registered owner of the vehicle has been dismissed, nothing survives for consideration of this court.

In view of what has been discussed hereinbefore, the appeals fail and are accordingly dismissed.

(Rekha Mittal)
Judge

3.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No