

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6496 of 2012 (O&M)

Date of Decision: 15.01.2019

Karambir

.....Appellant

Vs.

Wazir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: None for the appellant.

Ms. Swati Batra, Advocate,
for respondent no. 3-insurance company.

AMOL RATTAN SINGH, J. (ORAL)

On the last date that the appeal actually came up for hearing, i.e. 25.05.2018, the following order was passed:-

“The case file of this appeal has been put up by the Registry of this Court in view of the fact that pursuant to the order dated 24.01.2017, though a letter had been received from the Medical Superintendent (PGIMS, Rohtak), that the appellant, Karambir, had been informed to appear before a Special Medical Board, but thereafter, no report from the Board has been received.

Actually, it is seen that the said communication from the Board is dated 21.06.2016, obviously pursuant to the order of this Court dated 25.05.2016, with thereafter an order having been passed on 24.01.2017 that the appellant would appear before the Director, PGIMS, Rohtak on 01.06.2016, who would then constitute a suitable and appropriate Board of Doctors of the Departments of Orthopaedics and

Neurology, to determine as to whether the appellant continues to suffer from any disability resulting from the accident in question, and whether the disability has also resulted in any impediment in his day to day functioning and normal activities of life, and/or in his earning capacity as a labourer.

Thereafter, vide an order dated 30.01.2017, it was noticed that there was no proof of the appellant having appeared before the Medical Superintendent of the PGIMS, Rohtak, and he was therefore directed to appear before him on 07.02.2017, on which date the Medical Superintendent was directed to take the appellant to the Director or the other competent authority, who would then constitute an appropriate Board.

The said order had been passed in the presence of counsel for the appellant.

Today, counsel for the appellant submits that the appellant duly appeared before the PGIMS, Rohtak, on 13.02.2017; and in support of that contention, he has produced an Out Patient Card showing no diagnosis but with some treatment shown to have been prescribed for 10 days.

The names of the medicines prescribed are not fully legible, but apparently there are 03 tablets prescribed to the person who ostensibly is stated to have appeared in the Out Patient Department of the PGIMS, Rohtak, on 13.02.2017, with the name given as Karambir.

Therefore, as to how treatment prescribed for any localized ailment is in any manner compliance of the order of this Court, for the appellant to appear before the Director of the PGIMS, Rohtak, or the Medical Superintendent thereof, who was then to constitute a Board of Doctors to go into the disability stated to have been suffered by the appellant, is completely un-understood.

Learned counsel for the appellant however contends that he is no longer in touch with the appellant, who

is not responding to his calls.

In view of the above, notice be issued to the appellant, returnable on 27.07.2018.”

Thus, learned counsel for the appellant had stated that the appellant was not responding to his calls.

Today, counsel for the appellant has also not appeared.

Dismissed-in-default.

January 15, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.