

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

FAO No. 4179 of 2015(O&M)

Date of decision: 27.5.2019

Rakesh Kumar

.....Appellant

VERSUS

Rohtash and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Devender Kumar, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

CM No.24172-CII of 2018

Prayer in this application is for condoning delay of 673 days in filing the application for restoration.

Heard.

In view of averments made in the application supported by an affidavit of Rakesh Kumar, the appellant, the application is allowed. Delay of 673 days in filing the application for restoration stands condoned.

Disposed of accordingly.

CM No.24173-CII of 2018

Heard.

In view of averments made in the application supported by an affidavit of Mr. Rakesh Kumar, the appellant, the same is allowed. Order dated 28.11.2016 is recalled and the appeal is restored to its original number and stage.

Disposed of accordingly.

FAO No.4179 of 2015

The present appeal directs challenge against award dated 07.04.2015 passed by the Motor Accidents Claims Tribunal, Narnaul (in short ‘the Tribunal’) whereby application for grant of compensation in respect of injuries sustained by the appellant in a motor vehicular accident that took place on 31.03.2014 has been dismissed on the basis of findings qua issue No.1.

Counsel for the appellant, in response to order dated 06.05.2019, would apprise that in the criminal case the appellant did not examine himself as a witness of the prosecution and the criminal trial has culminated in judgment of acquittal. He has failed to advance any argument much less convincing to successfully assail findings of the Tribunal on issue No.1. I have gone through findings of the Tribunal on issue No.1 but unable to find an error much less illegality therein, warranting intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

MAY 27, 2019
‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no