

FAO No. 8164 of 2014 (O&M)

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

FAO No. 8164 of 2014 (O&M)

Date of Decision: May 27, 2019

Nand Kumar

..... Appellants(s)

Versus

Swaran Singh and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Satbir Rathore, Advocate
for the appellant.

Mr. Mrigank Sharma, Advocate
for respondent no.3.

LISA GILL, J. (oral)

This appeal has been filed by the appellant-claimant seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (hereinafter referred to as 'the Tribunal) vide award dated 15.04.2013, on account of the injuries suffered by him in the motor vehicle accident, which took place on 13.03.2010. Insurance company in this case has been exonerated as it could not be proved that the offending vehicle was insured with the insurance company.

There is a delay of 325 days in filing of the appeal. Notice of the application for condonation of delay in filing the appeal was issued on 24.03.2015. None had appeared on behalf of respondent no.1 - driver of the

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offending car and he was proceed against *ex-parte* on 21.08.2015. Service of respondent no.2 was not effected for want of correct address. Correct address of respondent no.2 was not furnished by the appellant. It is to be noted that opportunity was yet again afforded to the appellant on 28.07.2016 to either file the correct address of respondent no.2 or to move an appropriate application for effecting service upon him through an alternate mode, subject to payment of cost of Rs.2,000/-. Notice to respondent no.2 was issued on 21.10.2016 by way of dasti process. As per office report, dasti notice issued to respondent no.2 has not been received back served or otherwise till date. No effort has been made by the appellant since then till today to serve respondent no.2.

Learned counsel for the appellant submits that the appellant is unable to serve the said respondent and does not wish to serve respondent no.2 by way of substituted service.

In this view of the matter, this Court has no option but to dismiss this appeal for non-prosecution.

Appeal is accordingly dismissed for non-prosecution.

May 27, 2019.
Sunil

(LISA GILL)
JUDGE

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