

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

FAO No.2679 of 2001 (O&M)

Date of decision: 05.03.2020

Regional Manager Uttar Pradesh State Reg.

... Appellant

Versus

Parminder Kaur and ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. SK Verma, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 12.03.2001 passed by the Motor Accidents Claims Tribunal, Kaithal whereby compensation has been assessed on account of death of Swaran Singh in a motor vehicular accident that took place on 26.08.1999.

The sole submission made by counsel for the appellant is that as family of deceased Swaran Singh is getting pensionary benefit after death of the deceased, the same is liable to be deducted out of compensation assessed by the Tribunal.

The appeal against respondent No.1-Smt. Parminder Kaur, widow of Sh. Swaran Singh through whom the minor claimants have been sued being their next friend was dismissed vide order dated 26.02.2020. A relevant extract therefrom, reads as follows:-

xx Notice to respondent No. 1 could not be issued as counsel for the appellant did not comply with order dated 09.12.2019. A relevant extract therefrom reads as follows:-

“Notice to respondent No. 1 could not be issued as Counsel for the appellant did not comply with order dated 22.10.2019.

Last opportunity is provided for necessary compliance within 15 days.

On necessary compliance within stipulated period, notice to respondent No. 1 be issued for 26.02.2020.

In case, the appellant fails to comply with the order, appeal shall be deemed to be dismissed without being put up before the Bench.”

In view of the above, the appeal against respondent

In view of the above, nothing survives for consideration of the Court.

Disposed of.

05.03.2020

(REKHA MITTAL)

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JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes / No

Yes / No