

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-135 of 2016(O&M)

Date of decision: 13.07.2022

Tishtha Leasing and Finance (P) Limited

...Petitioner

Versus

Smt. Neelam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Respondent no.2-A before the Motor Accident Claims Tribunal, Bhiwani, (hereinafter referred to as 'the Tribunal') was proceeded against ex-parte resulting in the award dated 22.10.2001.

An application for setting aside an ex-parte award was filed by the petitioner on 15.12.2005, has been dismissed by the Tribunal. The petitioner is a registered owner of the car involved in the accident. The petitioner was proceeded against ex-parte as the notice sent through registered post along with the acknowledgement due was received by one Sh. Kuldeep. The correctness of the postal address of the petitioner-company is not in dispute.

The application filed for setting aside the ex-parte award has been dismissed by the Tribunal after recording elaborate reasons, including the fact that there was the proper service of notice, before proceeding against ex-parte.

The learned counsel representing the petitioner contends that the alleged Sh. Kuldeep, who had received the summons on behalf of the

company, was never employed by the company.

It is evident that the company while filing the application before the Tribunal never produced the evidence to prove the list of its employees on the day the summons were served.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 13, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No