

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3312-2017(O&M)
Date of decision :27.07.2023

Tripta Devi and another ...Petitioners
Vs.
Manager, Max New York Life Insurance
Company Ltd. and another ..Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arnav Sood, Advocate for the petitioners.

Mr. Nitesh Singhi, Advocate with
Ms. Priya Singhi, Advocate
for the respondents.

ANIL KSHETARPAL, J.

An appeal filed by the petitioners herein has been dismissed for the non-prosecution on account of non-filing of Registered Cover. Originally the petitioners had filed a suit for recovery of Rs. 1,50,000/- from respondent's company on the basis of insurance policy which was dismissed. Appeal was filed. The petitioners-husband and wife had alleged to have purchased a Life Insurance Policy from the respondents. Learned counsel representing the petitioners contends that if one opportunity is granted, the petitioners would furnish the Registered Cover. He submits that the petitioners are very poor persons and the Court should grant them one opportunity.

On the other hand, learned counsel representing the respondents submits that the petitioners failed to furnish Registered Cover despite ten opportunities.

This Court has considered the submissions. The endeavor of the Courts should be to decide the cases on merits in order to advance the cause of justice. The Court should be reluctant in dismissing the cases for non-

prosecution or any other fault. The respondent(s) herein is an Insurance Company. The petitioners are stated to be very poor.

Keeping in view the aforesaid facts, the order dated 29.03.2017 is set aside. The appeal before the First Appellate Court is restored to its original number. The respondents-Insurance Company is represented before this Court and there is no requirement of issuing fresh notice to the respondents. The parties through their counsel are directed to appear before the First Appellate Court on 25.08.2023.

Disposed of.

27.07.2023		(ANIL KSHETARPAL)
neeraj		JUDGE
	Whether speaking/reasoned :	Yes No
	Whether Reportable :	Yes No