

FAO-746-1995 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-746-1995 (O&M)

Date of decision: March 16, 2023

Gurbax Singh

....Appellant

versus

Kharaiti Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Balram Singh, Advocate for appellant.

Mr. Rakesh Kumar, Advocate for respondent No.2.

Mr. Amit Jaiswal, Advocate for respondent No.3.

ARUN MONGA, J. (ORAL)

Appeal herein is against impugned award dated 01.10.1994 passed by learned Motor Accidents Claims Tribunal, Jalandhar (for brevity, Tribunal) whereby appellant herein has been denied compensation on account of injuries sustained by him.

2. Appeal herein arises out of denial of claim of victim-appellant seeking compensation owing to fracture of tibia fibula of his left leg on the fateful date i.e., 11.03.1993. He was crossing the road in Jalandhar and was allegedly hit by a Maruti car driven by respondent No.1, who is stated to have died during pendency of appeal. Appeal was filed sometime in year 1995 and has remained pending before this Court in the category of admitted cases. But hearing was delayed as file of the case was burnt in a fire incident that took place in the High Court premises. Subsequently, a scanty file of the same has been reconstructed from whatever Registry could gather from remnant of fire and with the assistance of learned counsel. On being asked to argue, learned counsel for appellant is unable to assist the Court stating that his repeated attempts to contact the appellant have been

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futile. It appears that appellant has moved on in his life and is not interested in prosecuting the matter as he never contacted his counsel, on the other hand, he has not even responded to the repeated attempts made by the counsel to contact him.

3. In the peculiar premise, appeal is dismissed for non-prosecution with liberty to appellant to file application for its restoration in case he is interested to do so.

4. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 16, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No