

FAO-3374-2004

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

Sr. No.216**FAO-3374-2004****Date of Decision: 05.09.2023****RANI DEVI AND ORS.****....Appellants****Versus****DEVINDER KUMAR & ORS.****.....Respondents****CORAM: HON'BLE MRS JUSTICE ARCHANA PURI**

Present:- None for the appellants.

Mr. Sandeep Suri, Advocate
for the respondent-Insurance Company.

ARCHANA PURI, J. (Oral)

Today, learned counsel for the Insurance company has brought to the notice of the Court that in the present appeal i.e. FAO-3374-2004, the Award dated 13.04.2004, passed in MACT case No. 137/2007 has been challenged. However, it is submitted by learned counsel for respondent-Insurance Company that between the same parties, the aforesaid same Award was assailed, in earlier appeal i.e. FAO-2738-2004, copy whereof is Annexure A-2. However, the passing of the Award in FAO-2738-2004 was never brought to the notice of the Court, at the time of filing of the present appeal.

In the given circumstances, it is submitted that the present appeal i.e. FAO-3374-2004 was finally disposed of by the Court, vide judgment dated 24.07.2018, whereby the compensation amount was enhanced. However, when this came to the notice of the Insurance Company, in pursuance of the application filed by the Insurance Company,

FAO-3374-2004

the requisite judgment dated 24.07.2018 was recalled vide Award dated 26.02.2020 and the appeal was listed for hearing for 14.05.2020. Thereafter, the appeal remained pending for the said purpose.

However, the aforesaid facts have been verified by the Court from the paper book of the FAO-2738-2004, which is also available along with the present case, today.

Thus, keeping in view the aforesaid fact situation, the present appeal does not lie to assail the Award dated 13.04.2004, which already formed the subject matter of FAO-2738-2004 and has since been disposed of.

Even, none has made appearance on behalf of the appellant in the present case.

Considering the same, the present appeal is hereby dismissed.

05.09.2023
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No