

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

**FAO No.3092 of 2019 (O&M)  
DATE OF DECISION : 01.02.2023**

Karan Singh

.....Appellant

versus

Daywati and Others

.....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Amanpreet Kaur, Advocate for  
Mr. Mukesh Yadav, Advocate for the appellant

**ALKA SARIN, J.** (Oral):

The present FAO pertains to the year 2019 and is still at the stage of preliminary hearing. On 09.05.2019 the following order was passed:

*“The appellant (driver) of the offending vehicle was proceeded against ex-parte before the learned Tribunal. There is not even a whisper in the grounds of appeal and neither any argument has been advanced by the learned counsel for the appellant to the effect that ex-parte proceedings*

*against the appellant were illegal or unjustified.*

*Moreover, there is a delay of 479 days in filing this appeal.*

*Learned counsel for the appellant prays for some time to address arguments.*

*On request, adjourned to 04.07.2019.”*

Thereafter, the case was adjourned to 04.07.2019 and then to 19.07.2019 on the requests made on behalf of counsel for the appellant. On 19.07.2019 none was present and the case was yet again adjourned on the written request of counsel for the appellant to 26.09.2019. On 26.09.2019 last opportunity to address arguments was granted and the case was yet again adjourned on the request of the counsel for the appellant. On 30.01.2020 the case was again adjourned on the request of the counsel for the appellant. On 18.03.2020 none appeared and the case was adjourned. Thereafter, the case was not taken up due to the situation created by the Covid-19 Pandemic. The appeal thereafter came up for hearing on 27.04.2022 and the following order was passed :

*“Learned counsel for the appellant would contend that the appellant herein was proceeded against ex-parte before the Tribunal and after filing of the present appeal it has come to his knowledge that an application under Order 9 Rule 13 CPC for recalling the order dated 04.10.2017 is pending before the Tribunal.*

*He seeks some time to get his instructions.*

*On his request, adjourned to 01.08.2022.”*

Thereafter, on 01.08.2022 a request for an adjournment was made on behalf of the counsel for the appellant and the case was adjourned to 17.08.2022. On 17.08.2022 a written request was circulated for an adjournment on the ground that the counsel required some time to comply with the earlier orders. Today, again, a request for an adjournment has been made on behalf of the counsel for the appellant on the ground that the counsel is in personal difficulty. There is no ground to further adjourn the matter.

Dismissed for non-prosecution. Pending applications, if any, also stand disposed off.

01.02.2023  
*parkash*

**(ALKA SARIN)**  
**JUDGE**

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| <p>NOTE:<br/>Whether speaking/non-speaking: Speaking<br/>Whether reportable: YES/NO</p> |
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