

505

FAO-4870-2010 (O&M)

USHA KHATRI AND ORS. V/S KAMANTI VIRK AND ANOTHER

Present:- Mr. Shakti Mehta, Advocate
for the appellants.

Mr. Charanjit Singh, Advocate for
Mr. Nigam Bhardwaj, Advocate
for respondent No.2-Reliance General Insurance Company Limited.

This appeal was admitted for hearing on 17.12.2010. The appellants had challenged the award passed by the MACT on 29.03.2010 stating that the compensation awarded for the death of husband of appellant No.1 and father of the appellants No.2 and 3 was not properly assessed. Thereafter, the registry put up this matter before the Lok Adalat and it was taken up on 22.02.2011. However, the case continued to be adjourned on one pretext or the other. On most of the dates, none appeared on behalf of the appellants. A notice was issued to the counsel for the parties to put in appearance on 21.01.2020; however, none appeared. The matter was then taken up before the National Lok Adalat. The Insurance Company agreed to pay an amount of Rs.63,000/- over and above the amount already granted by MACT. Noting the above fact, the Bench of the National Lok Adalat again referred the matter to the next Lok Adalat on 12.03.2022. None appeared on behalf of the appellants on 23.04.2022, 14.05.2022 and 13.08.2022. The matter again came to the Daily Lok Adalat and notice was issued to the appellants to put in appearance on 12.10.2022. When none appeared on behalf of the appellants on 12.10.2022, the matter was returned to the High Court. Thereafter, to settle the dispute, efforts started again and notice was issued to the appellant No.1-Usha Khatri to put in appearance. However, she failed to appear. Thereafter, Mr. Shakti Mehta, Advocate appeared before us on

FAO-4870-2010 (O&M)

-2-

19.07.2023 for filing his Power of Attorney. He said that he will contact his clients to settle this issue on 26.07.2023. The Insurance company agreed to pay an amount of Rs.70,000/- over and above the amount already awarded by MACT. The matter was adjourned to 14.08.2023, 18.08.2023, 23.08.2023, 29.08.2023, 06.09.2023, 13.09.2023, 03.10.2023, 18.10.2023 and then adjourned to 17.11.2023 i.e. today. Mr. Shakti Mehta, Advocate for the appellants states that despite his best efforts, his clients have failed to give him any positive instructions to settle the dispute. As and when, they were contacted on telephone, they failed to give any positive direction. It appears that the appellants are not interested to pursue this mater. It is only a luxury litigation for them.

Accordingly, this appeal is ordered to be consigned to the record room and deemed to have been disposed of with liberty to the appellants to get it revived as and when so desired.

(JASBIR SINGH)
PRESIDENT

(B.C. GUPTA)
MEMBER

17.11.2023
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