

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

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FAO-7664-2014 (O&M)

Date of decision: 06.02.2023

SUKHDEV

..Appellant (s)

Versus

RAJ KAPUR @ RAJ KUMAR & ANR

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Jaideep Verma, Advocate for the appellant.
Mr. Punit Jain, Advocate for respondent No.3.

NIDHI GUPTA, J (Oral)

It is inter alia submitted by learned counsel for the applicant-appellant that respondents No.1 and 2 are the same person, who is owner and driver of the offending truck bearing No.HR-37A-0426. It is further submitted that the said respondent was proceeded against ex parte before the Ld. Tribunal as evident from para 3 and 4 of the impugned Award and only now the name of insurance company i.e. Shriram General Insurance Company Ltd. has been disclosed, therefore, the matter be remanded back to the Ld. Tribunal for reconsideration in view of these facts.

In view of the above facts, the applications (CM No.12066-CII of 2019 and CM No.16087-CII of 2017) are allowed and name of respondent No.2 (Raj Kumar) is deleted from memo of parties and the amended memo of parties is taken on record; and the matter is remanded back to the Ld. Tribunal concerned with a direction to decide the same expeditiously, preferably within 6 months from the date of appearance of the parties, as the claim petition pertains to the year 2011.

Parties through their counsel are directed to appear before the Ld. Tribunal concerned on 03.03.2023.

Disposed of as above.

**(NIDHI GUPTA)
JUDGE**

06.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No