



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-4566-2004  
DECIDED ON: 23.09.2024

RAJESH KUMARI AND ORS .....APPELLANTS

VERSUS

RAM SINGH AND ORS .....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: None for the appellants.

Mr. Neeraj Khanna, Advocate,  
for respondent No.3.

SANJAY VASHISTH, J (ORAL)

1. Present appeal has been filed by the appellants, by challenging the award dated 01.06.2004, passed by learned Motor Accident Claims Tribunal, Sirsa, whereby the claim petition filed under Section 163-A of the Motor Vehicles Act, on account of death of one Rajinder Singh, was dismissed.
2. Appellants (hereinafter referred to as 'claimants') filed the claim petition, by pleading that on 25.03.1996, at about 11.50 P.M., deceased namely Rajinder Singh boarded a tractor No.HR-24B-9397. At the time of his boarding the tractor, S/Shri Lal Chand son of Ram Sarup, resident of Chattargarh Patti and Babu Ram son of Rura Ram, resident of village Laleana were also present there. Both of them told the said fact to claimant No.1 namely Smt. Rajesh Kumari that lastly,

deceased has boarded the said tractor and in the next morning, deceased was found dead on account of road accident.

Further pleaded that deceased was a Police Constable No.1061 and was posted at Police Line, Sirsa, with a monthly salary of Rs.4,000/-. Claimant No.1 is the widow and claimant Nos.2 to 4 are minor children of the deceased and claimant No.5 is an aged mother of the deceased. Thus, claim petition was filed under Section 163 (A) of the Motor Vehicles Act.

3. Primarily, claim petition has been dismissed, on the ground that the claimants failed to establish the involvement of the offending tractor in accident in question. Another fact which is recorded by learned Tribunal is that the dead body of Rajinder Singh was found lying near village Dhingtania on 26.03.1996 and the claim petition was instituted on 07.06.2001 i.e. after a period of 5, 1/4 years, and even after a period of more than nine months of the acquittal of the driver of the tractor i.e. respondent No.1, in a criminal case.

4. Today, there is no representation on behalf of the appellants to point out that as to whether the findings recorded by learned Tribunal is justifiable, or not.

5. Thus, this Court is left with no other option, except to dismiss the present appeal for non-prosecution.

6. Accordingly, present appeal stands dismissed for non-prosecution.

7. However, in case, any substantive issue still exists along with cause of action, requiring its adjudication; liberty is granted to the

appellants to move an appropriate application for seeking revival of the present appeal, within eight weeks from today.

8. It is clarified that if any such application is filed for seeking revival of the appeal by the appellants, an advance copy of the application would also be delivered to the opposite counsel i.e. respondent(s), and in case, appeal is revived for its disposal on merits, for no reason, except for the exceptional circumstances, hearing of the appeal would be deferred. Therefore, both the sides should remain present and ready for the purpose of addressing the final arguments.

9. Registry is directed to forward copy of the today’s order at the address of the appellants mentioned in the appeal.

23.09.2024  
Lavisha

(SANJAY VASHISTH)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |