

Neutral Citation No: 2024:PHHC:108864
FAO-2399-2005(O&M)



-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

FAO-2399-2005(O&M)
Decided on:23.08.2024

Didar Singh

.... Appellant

Versus

Surjit Singh and another

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the appellant.

Mr. V. Ramswaroop, Advocate for respondent No.2.

SANJAY VASHISTH, J.(Oral)

1. Present appeal has been filed by the appellant/injured, challenging the award dated 12.02.2005 passed by the Motor Accident Claims Tribunal, Bathinda, whereby claim petition filed by the injured under Section 163-A of the Motor Vehicles Act, 1988 was dismissed.

2. Pleaded facts of the claim petition are that on 13.01.2002 claimant/injured while driving the Bus No. PB-036-8275 met with an accident with another vehicle i.e. Truck No. PB-03J-2807, resultantly, appellant/injured received multiple injuries and his bus was also got totally damaged. Claiming his age to be 30 years, claimant pleaded that due to the said accident he suffered permanent disability upto 100 % and also spent Rupees Five Lacs on the medical treatment including medicines, medical



care, transport charges and special diet etc. Respondent No.1-Surjit Singh, who is owner of Bus No.PB-03G-8275 has denied the happening of any such accident as pleaded by the claimant. Respondent No.2-Oriental Insurance Co. Ltd. also contested the claim petition on the ground of its maintainability and that the drivers of the vehicles were not holding valid driving license.

Learned Tribunal also noticed that the injured produced the medical bills Ex.A17 to A77 approximately of Rs.52,000/- and from perusal of the these bills it transpires that they are forged. Proprietor of M/s Suhel Medicos, who had issued the aforesaid medical bills appeared in the enquiry got conducted by the Tribunal, wherein he stated that under these bills neither any medicines has been purchased by the claimants from his shop, nor he has paid any amount to him.

3. Be that as it may, despite being informed, no one has appeared on behalf of the appellant, thus, this Court is left with no other option except to dispose of the present appeal being not prosecuted.

4. However, liberty is granted to the appellants to move an appropriate application for seeking revival of the present appeal, within eight weeks from today, in case, any substantive issue still exists along with a cause of action to appellant.

5. It is clarified that in case, application for recalling/restoration of the appeal is filed, then at the time of hearing of the said application, counsel for the appellant shall be ready with final arguments in the appeal.



6. Let a copy of this order be also forwarded to the appellant at the addresses mentioned in the memo of parties.

23.08.2024
rashmi

[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

Yes/No
Yes/No