

Neutral Citation No: 2024-PHHC-099991



FAO-1043-2005(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

FAO-1043-2005(O&M)

Decided on:05.08.2024

Mohar Singh

.... Appellant

Versus

Mahender Singh and another

.... Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. J.P. Sharma, Advocate for the appellant.

None for the respondents.

SANJAY VASHISTH, J.(Oral)

1. Appellant-Mohar Singh, has filed the present appeal against the award dated 06.11.2004, passed by learned Motor Accident Claims Tribunal, Gurgaon, whereby MACT case No. 15 of 10.01.2004 filed under Sections 166 and 163-A of the Motor Vehicles Act, 1988, has been dismissed. DDR No. 7 dated 17.07.2002 was got lodged at Police Station Bilaspur, District Gurugram at the instance of Naresh Kumar s/o Shiv Lal, who was allegedly working as Conductor with the offending vehicle i.e. Truck No. HR-26-OA-0969.

Learned Tribunal dismissed the claim petition by observing that neither the lodger of the DDR; nor any other eye witness has been examined to prove that the vehicle in question was involved in the alleged accident.



2. Learned counsel for the appellant expresses his inability to assist the Court because from a long time neither appellant; nor any any member from his family contacted him, thus, pleads “no instructions”.
3. 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 appellant 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 address mentioned in the memo of parties.

05.08.2024

rashmi

Whether speaking/reasoned
Whether reportable?

[SANJAY VASHISTH]
JUDGE

Yes/No
Yes/No