



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

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**FAO-845-2005 (O&M)
Decided on : 26.09.2024**

Kulwant Singh

... Appellant(s)

Versus

Jasbir Kaur and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None.

SANJAY VASHISTH, J. (Oral)

1. Present appeal has been filed by the appellant; Kulwant Singh, by challenging the award dated 09.12.2003, passed by the learned Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as 'Ld. Tribunal'), whereby, M.A.C. Case No. (RBT) 23 of 1998/2002, has been partly allowed by awarding the compensation amount to the claimants (respondents herein), as Rs.5,55,776/- along with interest @ 9% per annum, from the date of application till its realization.

2. Appellant – Kulwant Singh is driver and owner of the offending truck No.PAT-4722. Against the impugned award, appellant preferred present appeal before this Court, which is pending consideration since the year 2005.

3. Lastly, the appeal was listed for hearing on 05.08.2005, no one was present on behalf of the appellant. Even today also, despite information sent to Sh. J.S. Gill, Advocate, and Sh. Sanjay Nagpal, Advocate, there is no representation on behalf of the appellant.



4. In this situation, this Court is left with no other option, except to dismiss the present appeal, as the same being not prosecuted.

5. Accordingly, present appeal stands **dismissed for non-prosecution**.

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

7. It is clarified that if any such application is filed for seeking revival of the appeal by the appellant, 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.

8. Registry is directed to forward copy of the today's order at the address of the appellant mentioned in the appeal.

Misc. application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

September 26, 2024

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No