



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

FAO-5627-2005(O&M)
Decided on:12.08.2024

Mewa Devi and others

.... Appellants

Versus

Raju and others

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None.

SANJAY VASHISTH, J.(Oral)

1. Present appeal has been filed by the claimants-appellants against the award dated 10.11.2005 passed by the Motor Accident Claims Tribunal, Kurukshetra, whereby MACT case No.7 of 2005, filed under Section 163-A of the Motor Vehicles Act, 1988 for seeking compensation on account of death of one Ram Darshan, has been dismissed.

Learned Tribunal in paragraph No.12 of the impugned award has specifically noted that FIR No. 484 dated 27.06.2002 (Ex.PA) was tendered by the counsel for the appellants. The Tribunal also observed the FIR number was written with a ball pen. Further more, learned Tribunal made an observation that as per the statement of Constable-Ravinder Kumar (RW1), and the record brought by him, the vehicle number was not mentioned in the original FIR. Thus, learned Tribunal reached to the

conclusion that the FIR has been tampered with and same has been used in the Court proceedings. Consequently, separate proceedings under Section 340 Cr.P.C. were ordered to be filed in the Court of Chief Judicial Magistrate, Kurukshetra.

2. As per office note, Mr. A.S. Virk, Advocate representing the appellants as well as Mr. Pardeep Goyal, Advocate representing respondent No.3, have been duly informed about the date fixed via e-mail.

3. Despite being informed, no one has appeared on behalf of the parties, 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 appellants.

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 appellants shall be ready with final arguments in the appeal.

6. Let a copy of this order be also forwarded to the appellants as well as to the respondents at the addresses mentioned in the memo of parties.

12.08.2024
rashmi

[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

Yes/No
Yes/No