

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

FAO-5448-2013 (O&M)

Date of Decision : 22.02.2024

MOHAMMAD SHAMSHAD

.... Appellant

VERSUS

JAMALUDIN & ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vinod K. Kanwal, Advocate for
Mr. Rishu Garg, Advocate for the appellant.

Respondent No.1 proceeded against ex parte
vide order dated 02.08.2018.

None for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal been preferred against the award dated 23.08.2013 passed by the Motor Accident Claims Tribunal, Yamuna Nagar vide which the claim petition filed by the claimant-appellant was dismissed.

2. On 04.01.2024 the following order was passed :

“On 02.09.2019 the respondents were directed to be served through publication in the vernacular as well as in an English newspaper. The publication was not effected and on 03.02.2023 last opportunity was granted to the counsel for the appellant to deposit the requisite publication fee for service of respondent No.2. Thereafter, the case was adjourned on various dates i.e. 21.04.2023, 26.04.2023, 10.05.2023, 18.05.2023, 19.07.2023 and 01.08.2023. Today, again, a request has

been made for granting time to the counsel for the appellant to deposit the requisite publication fee as well as to get a copy of the record of the Tribunal.

Last opportunity is granted to the counsel for the appellant to do the needful. In case the needful is not done on or before the next date of hearing, the present appeal qua respondent No.2 shall be deemed to having been dismissed.

List on 22.02.2024.”

3. Learned counsel for the appellant states that the appellant is not able to serve respondent No.2 by way of publication.
4. In view thereof, this Court is left with no other option but to dismiss the present appeal for non-prosecution.
5. Dismissed for non-prosecution. Pending applications, if any, also stand disposed off.

22.02.2024
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*