

2025:PHHC:152144



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

203

FAO-684-2006 (O&M)
Date of decision: 04.11.2025

Sita Devi and others

...Appellants

Versus

Yogesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: None.

VIKAS SURI, J.(Oral)

1. The instant appeal has been filed by the claimant/appellants aggrieved by the award dated 21.09.2005 passed by the learned Motor Accident Claims Tribunal, Hisar, whereby the claim petition for compensation was dismissed.

2. This Court passed the following order on 29.05.2024:-

"Learned counsel for the appellants contend that the learned Tribunal has dismissed the claim petition only on the ground that Krishan son of Phool Chand (deceased) did not accompany him to the hospital and it was only after the death of Phool Chand at 8.30 PM, Krishan made a statement to the police at 12.30 AM on 01.09.2003. He further submits that learned Tribunal without appreciating the evidence on record has dismissed the claim petition on the ground that no



evidence was there on record to show as to for how many hours Phool Chand had remained admitted in the Civil Hospital, Hansi and he was shifted by whom. Further the claim has been dismissed on the ground that in the MLR presence of Krishan is not there.

Per contra learned counsel for the respondents submits that PW-1 i.e. Sita widow of Phool Chand, in her cross-examination has submitted that the accident had taken place towards the right side of the centre of the G.T.Road, therefore the deceased was driving the cycle on the right side. He further contends that Krishan PW-2 did not accompany his father (deceased) Phool Chand to the hospital. He further contends that in his statement, he has stated that there was tea shop near the place of the accident and the owner of the Tea Shop was not examined. He further submits that Dr. K.N.Sirivastava, M.O. General Hospital Hansi, who was examined as RW-1, has stated in his statement that he does not remember, if any, person was with the patient or not at the time of admission. Therefore, he submits that there is no proof regarding the presence of Krishan with his father-Phool Chand (since deceased). Therefore, he contends that the factum of accident has not been proved and the claim petition has been rightly dismissed.

During the course of arguments, when the Court was going to allow the appeal, the learned counsel for the respondents stated that he has no contact with his clients.

In the interest of justice, adjourned 17.07.2024.”

3. Sequel to the aforesaid order, is the order dated 06.11.2024, which reads thus:



“On the last date of hearing during the course of arguments, when the court was going to allow the appeal, the learned counsel for the respondents stated at bar that he has no contact with his clients whereupon notice to respondent No.1 was ordered to be issued so that appeal be decided in his presence.

As per report of Registry, the notice issued to respondent No.1 received back for want of complete address.

Earlier as per report, the respondent No.1 was served through his brother but he did not appear.

When, this Court put query to the counsel appearing on behalf of the respondents that when he had no contact with his clients then as to why he has been appearing on their behalf but he could not give any satisfactory reply.

However, in the interest of justice list on 3.12.2024 for arguments.”

4. Fresh notice was ordered to be issued to respondent No.1 on filing of correct/current address, by counsel for the appellants, after noticing in the order dated 03.12.2024 that, as per office report, the earlier notice issued to respondent No.1 has been received back unserved for want of complete address. On 08.05.2025, learned counsel for the appellants submitted that he had been unable to contact the appellants and, therefore, could not provide fresh address of respondent No.1.

5. Today, on resumed hearing, there is no representation on behalf of the parties. In view of the aforesaid, it can be safely inferred that the appellants are not serious to pursue the matter.

6. Accordingly, no useful purpose would be served to continue



with the present appeal and the same stands closed.

7. However, the claimants would be at liberty to seek revival of the appeal, on the current/correct address of respondent No.1 becoming available with them.

November 04, 2025
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(VIKAS SURI)
JUDGE

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