



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-7070-2019 (O&M)

Date of Decision: 13.01.2025

Harvinder Singh

.... Appellant

Versus

United India Insurance Co. Ltd. And others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S.Sandhu, Advocate for
Mr. G.S.Salana, Advocate for the appellant.

NIDHI GUPTA, J. (ORAL)

The appellant/owner of the offending vehicle, has laid challenge to the Award dated 09.01.2019 passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as “the Tribunal”) whereby recovery rights have been given to respondent No.3-Insurance company to recover the compensation amount from the owner and the driver.

On 09.12.2019, following order was passed by a Coordinate Bench of this Court:-

Learned counsel for appellant inter alia contends that the learned Tribunal, on the basis of wrong report from Licensing Authority, Bhagalpur (Bihar), has given recovery rights to respondent No.1-Insurance Company against appellant without appreciating the fact that driving licence (Ex.R-2) of proforma respondent No.3 was issued by Licensing Authority, Bhojpur (Bihar).

No relief has been claimed against respondent



No.2-claimant. Therefore, notice of motion to respondent Nos.1 and 3 only for 22.04.2020.

Meanwhile, appellant shall deposit the entire awarded amount with the learned Tribunal, who would convert the same in the shape of STDR in some nationalized bank fetching maximum rate of interest to save loss of interest to the party, who shall finally be held entitled for the same. The Tribunal shall keep the STDR receipt with it till further orders.

Respondents be served for the date fixed through ordinary process, registered post and dasti as well on furnishing requisite number of copies of the paper-book, registered cover, process fee and incidental expenses, if any, within two weeks.

Mr. V.K.Garg, Advocate, who is present in Court, has accepted notice on behalf of respondent No.1-Insurance Company and seeks time to file power of attorney.

Power of attorney be filed on or before the date fixed.

In case of non-compliance of this order in its letter and spirit, this appeal shall positively be dismissed for want of prosecution.”

On the next date of hearing i.e. 08.05.2023, none had appeared on behalf of the appellant/owner of the offending vehicle.

Today also, request for an adjournment has been made by learned proxy counsel for the appellant, who further has no instructions as to whether in compliance of the above said order dated 09.12.2019, awarded amount has been deposited with the learned Tribunal or not. The appellant is also stated to be now residing in Canada, as also evident from the Memo of Parties.



Heard.

Upon enquiry, it has been informed by Sh. Gaganpreet Singh, Senior Assistant, concerned dealing of this office that he has confirmed from Sh. Janander Joshi, Senior Assistant in the office of the learned District and Sessions Judge, Fatehgarh Sahib, that the appellant/owner of the offending vehicle had not deposited the amount of compensation in compliance of the order dated 09.12.2019 passed by a Coordinate Bench of this Court, till date.

In view of the above, the present appeal stands dismissed.

Pending application(s), if any, stand(s) disposed of.

13.01.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned:
Whether reportable:**

**Yes/No
Yes/No**