CGHC010006162012 2026:CGHC:43059

SISTA SOMAYAJULU
Digitally signed by SISTA SOMAYAJULU
Date: 2026.10.06 10:25:46 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA No. 6 of 2012

Parmanand Kanwar, S/o Late Atma Ram, Aged about 60 years, R/o Laxmi Nagar, Pachpedi Naka, Raipur (C.G.). Through Attorney holder Than Singh Diwan, S/o Shri Gokul Ram Diwan, aged about 34 years, R/o Laxmi Nagar, Pachpedi Naka, Raipur (C.G.)

(Defendant No.1)

... Appellant

versus

1. Sky Automobiles (Maruti Automobiles), Authorized Dealer of Maruti Udyog Limited, Registered as a Partnership Firm under the Indian Partnership Act, Mahoba Bazar, G.E. Road, Raipur (C.G.)

(Plaintiff)

2. National Insurance Company Limited, Through Divisional Office, Mobin Mahal, G.E. Road, Raipur (C.G.)

... Respondents

For Appellant	:	None present.
For Respondent No.1	:	Ms. Aayushi Kulkarni, Advocate on behalf of Mr. Pawan Kesharwani, Advocate.

Single Bench:-
Hon'ble Smt. Justice Sushma Sawant

Order On Board

05/10/2026

1. This first appeal under Section 96 of the Code of Civil Procedure, 1908, is directed against the judgment & decree dated 11-1-2011 passed by the 7th Additional District Judge, Raipur in Civil Suit No.8B/2006.

2. When the matter is called for hearing in two rounds, none present for the appellant to prosecute the appeal. No representation is made.

3. The appellant has remained continuously absent and unrepresented from 19-8-2025. In order to secure his presence, vide order dated 19-8-2025, this Court had directed the issuance of a fixed date SPC at the address furnished by the appellant in the memo of appeal. The SPC has, however, been unserved with the endorsement that the address is not proper.

4. It is evident from the record that despite repeated opportunities, the appellant has failed to appear and prosecute the appeal. This Court has also made effort to secure his presence in the matter by sending fixed date SPC to him at the address furnished by him in the memo of appeal, however, the SPC could not be served, as the appellant has not furnished proper and complete address on his appeal memo itself. The appellant cannot be permitted to keep the appeal pending indefinitely for an indefinite period by remaining absent and by failing to furnish proper address for service.

5. In absence of representation on behalf of the appellant, the Court has no option except to dismiss the appeal.

6. Accordingly, the first appeal is dismissed for want of prosecution. No order as to cost(s).

Sd/-
(Sushma Sawant)
Judge

Soma