



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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IOIN-FAO-4690-2016 in/and
FAO-4690-2016 (O&M)

Date of Decision: 23.07.2025

Ram Phal

.... Appellant

Versus

Naveen and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

The present appeal has been listed under the **IOIN Category** for completion of service. However, order-sheet shows that since inception of the appeal, there has been no representation on behalf of the appellant. As such, the main appeal is taken up for hearing today itself.

The present appeal has been filed by the injured-claimant against the dismissal of his claim petition bearing MACT No. 98/2013 dated 03.01.2013/04.02.2013, filed under Sections 166 and 140 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Karnal, vide impugned Award dated 01.07.2015, taking into account the fact that the claimant has been unable to establish the rash and negligent driving of the offending vehicle by respondent No. 1 in the following manner:-

“....Hence, in view of the above, the only irresistible conclusion under issue no. 1 is that the claimant has not been able to establish rash and negligence of respondent no. 1-Naveen, while driving tractor trolley bearing registration No. HR05Z-8393 on 16.3.2012, and causing accident by striking that vehicle, against the motor cycle of the claimant, thereby resulting injuries to claimant Ram Phal. Issue No. 1 is thus, answered against the claimant”.



The matter pertains to the year 2016 and was admitted by a co-ordinate Bench of this vide order dated 25.07.2018, which reads as under:-

“CM-16018-CII-2016

This application has been filed under Section 5 of the Limitation Act for the condonation of delay of 148 days in filing the appeal.

For the reasons recorded, the application is allowed and the delay of 148 days is condoned subject to the condition that in the event of enhancement the applicant-appellant would not be entitled to any interest for the period of delay.

FAO-4690-2016

Admitted.

Since the claim petition was dismissed, Registry is directed to list this case for hearing in the opening of summer vacation in the year 2019 after completion of service.”

Thereafter, the matter has been listed under the **IOIN Category** for completion of service for the first time on 13.04.2023, on which date none had put in appearance on behalf the appellant and Registry was directed to inform learned counsel for the appellant about the date fixed, so as to ensure representation. On the next date of hearing i.e. 12.05.2023 again, there was no representation on behalf of the appellant ;and learned counsel for the appellant was directed to take corrective steps to serve respondent No. 3 by providing correct/latest address; and Registry was also directed to again inform learned counsel for the appellant.

Pursuant thereto, office report dated 09.04.2025 has been received as per which vide e-mail dated 17.05.2023 and letter No. 8699 dated 18.06.2024, learned counsel for the appellant was requested supply the correct address of respondent No. 3, but till date needful has not been



done by learned counsel for the appellant. Further, office report dated 21.07.2025 reveals that learned counsel for the appellant has been duly informed about the date fixed for today through e-mail. However, none has put in appearance on behalf of the appellant.

From the above facts it is clear that right since the inception/ filing of the instant appeal on 12.05.2016, the appellant had gone un-represented even at the time of admission of present appeal vide order dated 25.07.2018, reproduced above. The appellant has exhibited an utterly casual attitude in his pursuit of the present litigation. It is to be appreciated that very valuable public time of the Court has been expended in affording opportunities to the appellant in the interest of justice. On the other hand, the appellant has adopted an utterly casual and careless approach. It is clear that neither the appellant nor his counsel is seriously interested in pursuing the present matter. Thus, the present appeal is **dismissed.**

IOIN as well as pending application(s), if any, shall also stand disposed of.

23.07.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No