



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-6233-2019 (O&M)
Date of Decision: 28.08.2025

Kailash (through LRs)

.... Appellant(s)

Versus

Pushpendera Singh Naruka and others

.... Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Aakash Dalal, Advocate for the appellant.

Service of respondents No. 1 and 2 already dispensed with
vide order dated 30.10.2019.

Mr. Abhinav Singla, Advocate for respondent No.3.

NIDHI GUPTA, J. (ORAL)

CM-20855-CII-2019

Prayer in this application filed under Section 5 of the
Limitation Act is for condonation of delay of 34 days in filing the
accompanying appeal.

Heard.

For the reasons mentioned in the application which is
supported by an affidavit of the applicant/appellant No.2, the same is
allowed and delay of 34 days in filing the accompanying appeal is
condoned.

FAO-6233-2019 (O&M)

Present appeal has been filed by the injured-claimant and
their LRs seeking enhancement of compensation of Rs.30,26,104/-



awarded by the learned Motor Accident Claims Tribunal, Jhajjar (hereinafter “the learned Tribunal”) vide Award dated 08.05.2019 passed in MACT Case No.187 dated 22.09.2017 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter “the Act”). The claim petition was filed by the injured-claimant himself as claimant No.1; his wife; 2 minor children; and his parents. In the accident dated 04.06.2017, claimant No.1 had suffered serious injuries, as a result of which, he was unconscious and was in state of coma. As per the disability certificate Ex.P240, claimant No.1 has suffered 100% permanent disability. Vide order dated 05.12.2022, learned counsel for the appellant has sought time to implead LRs of the deceased-claimant No.1 as he has since expired.

Today, learned counsel for the appellant submits that he may be permitted to withdraw the present Appeal, as in the interregnum, the appellant has expired. A copy of death certificate of claimant No.1 handed over in Court today, is taken on record.

Permitted to do so.

Dismissed as withdrawn.

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

28.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No