



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

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FAO No.4212 of 2010 (O & M)**Date of decision :-20.08.2025****Attar Singh****.....Appellant****Versus****Girdhari Lal and others****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the appellant.

NIDHI GUPTA J.

The appellant-injured/claimant has filed the present appeal seeking enhancement of compensation of Rs.55,000/- awarded by the learned Motor Accident Claims Tribunal, Rohtak vide Award dated 16.2.2010 in a petition filed under Section 166 of the Motor Vehicle Act.

Although the present appeal is of the year 2010, notice is yet to be issued in the same as the matter has been repeatedly adjourned either due to non-appearance or on request of learned counsel for the appellant. On the last date of hearing i.e. 04.2.2025 the following order was passed by this Court :-

“Learned counsel for the appellant submits that his Clerk has misplaced the brief and seeks time to locate the same.

Adjourned to 20.08.2025, for arguments.



It is, however, made clear that no further adjournment shall be granted as the matter pertains to the year 2010.”

Today there is no representation on behalf of appellant.

In view of the same, the present appeal is being disposed of in the absence of the appellant.

Even on merits, no ground is made out to interfere in the impugned Award dated 16.2.2010 as perusal of the record reveals that the appellant had previously also filed a MACT Case No.77 of 1997/23 of 2000, which was decided on 02.2.2001 and the appellant was awarded Rs.1,80,000/-. At that stage, the respondents No.1, 2 and 4 were proceeded against ex-parte. Subsequently, an application Under 9 Rule 13 CPC was moved by respondent No.1, which was dismissed by the learned Tribunal on 21.1.2005; whereafter Civil Revision No.771 of 2005 was preferred by the respondent No.1/owner of the offending vehicle, which was allowed vide order dated 16.5.2005 and the ex-parte proceedings were set aside and also the Award dated 02.2.2001 was set aside; and the original MACT case was restored to its original number and the said amount of Rs.1,80,000/- was again awarded to the appellant. It is admitted fact on record that Rs.1,25,000/- was already paid to the claimant during the proceedings before this Court and the same is also reflected in the order dated 16.5.2005 passed by this Court in the aforesaid Civil Revision Petition. Therefore, only the balance amount of Rs.55,000/- remained to be paid.



Accordingly, vide the present Award the remaining Rs.55,000/- was directed to be paid to the claimant by the respondent No.3-Insurance Company and respondent No.3 has been granted the recovery rights.

In view of the above facts no ground is made out to interfere in the impugned Award, therefore, the present appeal is hereby **dismissed**

Pending application(s), if any, shall stands disposed of.

August 20, 2025

Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No