

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

VARINDER SINGH
2016-04-22 17:00
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Punjab & Haryana High Court at
Chandigarh

CR No. 2601 of 2016 (O&M)

Rajender Sharma

.. Petitioner

versus

New India Assurance Company Limited and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sushil Jain, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 14.7.2015 passed by the learned Executing Court whereby the property of the petitioner was ordered to be attached in execution of the award passed by the Motor Accidents Claims Tribunal, Sonapat (for short, 'the Tribunal') giving liberty for recovery of the amount from the owner and the driver.

It is not in dispute that the petitioner was one of the respondents in the claim petition. He was represented by a counsel. The award of the Tribunal was never challenged by the petitioner. He deposited a sum of ₹ 3,50,000/-. The present execution is for recovery of the balance amount. The plea sought to be raised that the petitioner is not owner of the offending vehicle cannot be accepted at this stage as no such plea was raised during the course of the trial or at the time of first execution, when the partial payment was made by the petitioner in the execution filed by the Insurance company.

For the reasons mentioned above, the present petition is dismissed. Consequently, the accompanying application is also dismissed.

11.4.2016
vs

(Rajesh Bindal)
Judge