

CR-724-2016

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-724-2016

Date of decision : 02.02.2016

M/s Guru Rice Mills

... Petitioner

Versus

Dalbir Kaur and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ranjit Sharma, Advocate
for the petitioner.

REKHA MITTAL. J.(ORAL)

The present petition has been directed against order dated 16.10.2015 passed by the Motor Accident Claims Tribunal, Amritsar (in short 'the Tribunal') whereby application filed by the Insurance Company under Section 174 of the Motor Vehicles Act for recovery of awarded amount from the insured, in terms of award dated 22.07.2010 passed in MACT No.55 of 2009 has been allowed.

Counsel for the petitioner contends that during course of trial, the Insurance Company got produced wrong records on the basis whereof, it was held that driver of the offending vehicle did not have a valid licence at the time of accident and thus there was breach of terms and conditions of the contract of insurance, entitling the insurer to recover the amount of compensation from the insured after discharging liability qua the

claimants. It is further argued that as liability upon the insured has been wrongly fastened, the executing Court has grossly erred by allowing the application of the Insurance Company.

I have heard counsel for the petitioner, perused the records particularly the order impugned.

The petitioner was well within its right to file an appeal against the award passed by the Tribunal in case it has any grievance to express. Once the award passed by the Tribunal has attained finality between the parties, the executing Court has rightly held that it cannot go beyond the decree/award passed by the Tribunal and is bound to execute the same as it is.

In this view of the matter, I do not find any error much less illegality in the impugned order as would call for intervention. As a result, finding no merit, the petition is dismissed.

However, the petitioner shall be at liberty to take recourse to alternative remedy, if any, in accordance with law.

(REKHA MITTAL)
JUDGE

February 02, 2016.
Davinder Kumar