

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

130

CR-3724-2017

Date of Decision: 22.05.2017

Arun

.....Petitioner

Versus

National Insurance Company Limited

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.I.S.Pabla, Advocate,
for Mr.Vikramjit Singh, Advocate,
for the petitioner.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 06.05.2016 passed by the learned Additional District Judge, the executing Court, whereby objections raised by the petitioner-judgment debtor were dismissed, petitioner has approached this Court by way of present revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order (Annexure P-4).

Heard learned counsel for the petitioner.

It is not in dispute that the award dated 21.07.2015 has attained finality between the parties. Instant litigation is an off-shoot of the award passed by the learned MACT. Instant impugned order has been passed during pendency of execution of the award, at the hands of the respondent-insurance company, who was admittedly granted recovery rights by the learned MACT, while passing the award dated 21.07.2015. Petitioner-judgment debtor filed his objections to the effect that respondent-insurance

company should file a separate suit for recovery against the petitioner,

instead of getting award executed against him for the purpose of availing its recovery rights.

It is the settled proposition of law that multiplicity of litigation must be discouraged by the Courts. If the contention of the petitioner is accepted, it would amount encouraging the multiplicity of litigation between the parties. Further, it has gone undisputed before this Court that the offending vehicle was got released by the petitioner on supardari. It also goes without saying that the vehicle would be released on supardari in favour of its registered owner. That being the undisputed fact situation obtaining on record of the present case, objections raised by the petitioner were too technical to be accepted. Having said that, this Court feels no hesitation to conclude that the learned executing Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

No prejudice of any kind whatsoever has been caused to the petitioner by passing the impugned order. Neither his status is going to be changed nor he is going to be put to any disadvantageous position by passing the impugned order. So far as the award dated 21.07.2015 is concerned that had already attained the finality between the parties, as noticed here-in-above. In this view of the matter, learned Additional District Judge was well justified to pass the impugned order and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned executing Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under

Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

May 22, 2017
seema

(**RAMESHWAR SINGH MALIK**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No