

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

CR No.545 of 2018 (O&M)

Date of Decision: February 23, 2018

Rajinder Singh @ Rajinder Kumar

...Petitioner

Versus

HDFC Ergo General Insurance Co. and another

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dalel Singh Nain, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

This civil revision petition is preferred by JD/Objector Rajinder Singh @ Rajinder Kumar challenging order dated 02.11.2017 Annexure P/2, whereby, the executing Court dismissed the objections filed by JDs to the recovery of amount and, thus, the relief claimed by the objectors owner and driver stood dismissed.

As is there writ large on the records an award was initially passed on 11.5.2011 awarding compensation to the claimants against respondents holding driver and owner jointly and severally liable along with Insurer to pay the compensation amount. The Insurer deposited the amount of the award and recovery rights were given to the Insurer which claimed recovery of amount from owner as well as driver regarding which objections were filed and, hence, the present petition. As is there and is not displaced by the learned counsel for the petitioner that FAO No.6601 of 2011 was filed against award dated 11.5.2011 whereby, award was upheld

and the FAO stood dismissed. Since the award has attained finality and has to be given effect too in the light of fact that Insurer has paid the amount thus is entitled in accordance with award to recover the amount from driver and owner. The mere premise that has sought to be raised by learned counsel for the petitioner on the basis of Annexure P/4 does not comes to the aid of the petitioner on account of factual disparity where the owner and driver were not arraigned as a party which is not the situation in the present case. Since the petitioner as per the award is entitled to pay the Insurer for the compensation for which no worthwhile reasoning is coming forth from the side of the petitioner. The learned Court below has well considered the objections holding that Insurer was entitled to recover the amount which it has exercised after judicial order and, thus, it is an attempt by the unsuccessful petitioner to wriggle out of this obligation which has been imposed as a consequence of the award passed against him.

Apparently, there is no merit in the present revision petition the same as such stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 23, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No