

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

**C.R. No.637 of 2018 (O&M)
Date of Decision: February 12, 2018**

Karan Singh

...Petitioner

Versus

HDFC Ergo General Insurance Co. and another

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jayoti Parshad Sharma, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In this petition under Article 227 of Constitution of India, the petitioner has sought setting aside of order dated 2.11.2017 passed by learned Motor Accident Claim Tribunal, Karnal Annexure P/3, whereby, recovery certificate has been issued against the petitioner. It is the admitted stand that learned Motor Accident Claim Tribunal, Karnal awarded compensation of Rs.18,32,088 with interest @ 7.5.% p.a. in favour of claimants against respondents No.1 and 2, whereas, claim against respondent 3-Insurance Company was dismissed.

Against the said order of the MACT, Karnal two appeals by way of FAO No.6601 of 2011 and FAO No.5122 of 2011 were filed which were disposed off vide orders dated 31.10.2013 of this Court whereby, appeal filed by respondents No.1 and 2 was dismissed, whereas, appeal filed by claimants was partly allowed directing the Insurance

Company to satisfy the award at first instance and gave it recovery rights. It was in consequence of the execution through the impugned order, the Court below dismissed the objections filed by the present petitioner-Karan Singh and recovery rights were given by issuance of recovery certificate to the Insurer.

Learned counsel for the petitioner could not impress upon this Court when it is his own admission as per his own arguments that the findings of this Court has since attained finality and how issuance of recovery certificate by virtue of Section 174 of Motor Vehicles Act, 1988 could be put to hold by such an objection. The parties have been litigating since the year 2009 and it was when the Insurer HDFC Ergo General Insurance Co. have already deposited the awarded amount of Rs.24,89,521/- when the recovery rights were issued in their favour. Learned counsel for the petitioner could not point out any illegality or perversity in the orders of the Court below. Rather to the mind of this Court, the present petition is a feeble attempt to thwart due recourse of law, thus, affecting administration of justice. Thus, there is no merit in the present petition the same as such stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

February 12, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No