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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7841 of 2018

Date of Decision: 13.03.2019

Gurmeet Singh

..... Petitioner

Versus

Raksha Devi

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Munish Mittal, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the order dated 25.09.2018 (Annexure P-4), passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (for short 'Tribunal'), vide which the application for setting aside the *ex-parte* award dated 10.07.2014, passed by the Ld. Tribunal, filed on behalf of the petitioner/judgment debtor No.3 in the execution proceedings arising out of the original MACT Case (Claim Petition No.15 of 2012/14) was dismissed.

2. His contention before the Ld. Tribunal was that the original award, in the claim case, was passed *ex-parte* against him, as he had never received summons in the said case, nor he had contested the same at any stage.

3. The Ld. Tribunal, however, rejected his contention after going

through the available material on record. It found that not only the petitioner had entered appearance along with another respondent in the case, but had also engaged his Counsel, who regularly took steps on his behalf. Even a written statement was filed by the petitioner jointly along with another respondent-Surinder Kumar. The petitioner had continued to appear in the original case till 17.05.2014, when the matter was posted to 03.07.2014 for arguments after closure of the respondents' evidence. However, no steps were taken on his behalf on 03.07.2014, after which the award was passed against him on 10.07.2014.

4. In fine, the Ld. Tribunal totally disbelieved the petitioner's version of not having received notice of the original proceedings, in view of the fact that he had entered appearance and even contested the matter till its very fag end stage, ostensibly to deny his liability. Now when the execution has been sought for by the claimants of the award passed in their favour, the petitioner resorted to this *modus operandi* seeking to get the award set aside against him, obviously for gaining more time, for which he need not be granted any further indulgence.

5. No merits.

6. Dismissed.

13.03.2019

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No