

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

CR No.1072 of 2019 (O&M)
Date of Decision:4.3.2020

Bharti Axa General Insurance Company Ltd. ... Petitioner

Versus

Laxmi Devi and others ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sachin Ohri, Advocate for the petitioner

Mr.A.K.Yadav, Advocate for respondents no.1 to 3

RAJIV NARAIN RAINA, J. (Oral)

1. This revision is dismissed on the short ground that the petitioner-Company was proceeded ex-parte by order dated 1.11.2018. An exparte award was passed. Petitioner became the judgment debtor. They would first have to approach the court of Additional District and Sessions Judge-cum-Motor Accident Claims Tribunal, Rewari before whom the execution proceedings are pending with a prayer for setting aside the ex parte order. They have not availed the remedy. Accordingly, this petition is not maintainable.

2. Moreover learned counsel for the petitioner concedes that appeal has been filed against the impugned award by way of FAO No.8488 of 2018 in which cross objections have been filed by the decree holder and the claimants have also filed separate appeal for enhancement of compensation by way of FAO No.4640 of 2019. Learned counsel for the respondent-claimants submits that stay has not been granted in that

appeal so far. Nor is there prayer in this petition for setting aside the ex parte order.

3. With the aforesaid observations and directions, this petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

4.3.2020

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No