

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

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CR-473-2021 (O&M)

Date of decision : 08.04.2022

Pirithi Singh and Another

...Petitioners

versus

Pushpinder Kaur and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. K.S. Brar, Advocate for the respondents.

ALKA SARIN, J. (Oral)

Present revision under Article 227 of the Constitution of India is for setting aside the order dated 17.12.2020 (Annexure P-3) passed by the Motor Accident Claims Tribunal, Bathinda (for short, 'the Tribunal') vide which bailable warrants against the petitioners have been issued on an application filed by the respondents under Order 21 Rule 37 of the Code of Civil Procedure, 1908 without serving the petitioners herein.

Learned counsel for the petitioners would contend that the petitioners were not served in the present case. Meanwhile, an application was filed by the respondents under Order 21 Rule 37 CPC. In the said application, on 29.10.2020 notice was issued for 17.12.2020. On 17.12.2020, without ascertaining whether service was complete, bailable warrants were issued against the petitioners. Learned counsel would further contend that the petitioners were never served in the execution petition as well as in the application under Order 21 Rule 37 CPC and were not granted

any opportunity to file their replies. Learned counsel prays that the impugned order dated 17.12.2020 be set aside and they be granted an opportunity to file their replies.

Learned counsel for the respondent is not in a position to deny the factual averments made by the learned counsel for the petitioners. He, however, states that since the petitioners are now aware of the proceedings and have filed the present petition, they be directed to appear before the Executing Court and file their replies.

I have heard learned counsel for the petitioners.

Keeping in view the fact that the petitioners were never served and the Tribunal passed the impugned order issuing bailable warrants against the petitioners without ascertaining whether the petitioners had been served, I deem it appropriate to set aside the impugned order dated 17.12.2020. The petitioners shall cause appearance before the Executing Court and file their replies/objections on the next date of hearing fixed before the Executing Court.

Disposed off. Pending applications, if any, also stand disposed off.

April 08, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO