

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

**CR-883-2022 (O&M)  
Date of decision : 15.03.2022**

Shriram General Insurance Company Ltd. ... Petitioner(s)

Versus

Abbas and Others ... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sanjeev Kodan, Advocate for the petitioner.

**ALKA SARIN, J. (ORAL)**

Heard in virtual mode.

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the execution petition bearing No.516 of 2021 (Annexure P-4) pending before the Motor Accident Claims Tribunal, Gurugram (in short the 'Tribunal') and the orders dated 05.07.2021, 25.08.2021, 17.11.2021, 10.12.2021 and 28.02.2022 (Annexures P-5 to P-9) passed therein.

Learned counsel for the petitioner would contend that the Tribunal had vide award dated 18.03.2021 awarded a compensation to the tune of ₹2,77,355/- to respondent No.1, namely, Abbas. Qua the said award in favour of respondent No.1, the petitioner herein preferred an appeal bearing FAO No.3240 of 2021 which was disposed off vide order dated 30.11.2021. The operative portion of the said order reads as under :

*“2. The learned counsel representing the appellant contends that the insurance company has “No Objection” to the payment of the amount if Sh. Abbas*

*furnishes the relevant documents. He further submits that the claim petition, itself, was not maintainable as Sh. Abbas was not a third party.*

3. *It is noted here that the insurance company did not object to the maintainability of the petition before the Tribunal. The learned counsel representing the appellant also does not dispute that Sh. Abbas is entitled to the amount and is willing to make the payment, however, he requires Sh.Abbas to fulfill certain formalities.*

4. *Keeping in view the aforesaid facts, the argument of the learned counsel is purely academic and therefore, this Court is of the opinion that the appeal is required to be disposed of by keeping the question open.”*

Learned counsel for the petitioner would contend that respondent No.1 has now filed an execution petition and the same has been adjourned for making payment. Learned counsel for the petitioner would further contend that the said payment cannot be directed to be made inasmuch as there is no compliance of the order passed by the Coordinate Bench of this Court in FAO No.3240 of 2021 titled “Shriram General Insurance Company Ltd. Vs. Abbas & Ors.” decided on 30.11.2021 (Annexure P-2).

Heard.

In the present case, aggrieved by the award passed by the Tribunal, the petitioner had preferred an appeal bearing FAO No.3240 of 2021 which was disposed off vide order dated 30.11.2021 wherein it has been noticed that being a purely academic question, the appeal was disposed

off by keeping the question open. The respondents had not been called upon in that case and there was no direction to the respondents to fulfill any formalities as has been argued by learned counsel for the petitioner herein. The order simply records the contention of the learned counsel for the appellant therein and the appeal was disposed off by keeping the question, which is purely academic in nature, open. There has been no adjudication upon the question till date. However, the petitioner is challenging the orders passed by the Executing Court only on the ground that the petitioner (Insurance Company) has been directed to make the payment. Learned counsel for the petitioner is unable to show any order passed by any Court of Law directing respondent No.1 to fulfill the formalities as has been argued before this Court. It was open to the petitioner to raise all such objections before the Executing Court, however, the petitioner has chosen to approach this Court challenging the orders whereby the petitioner (Insurance Company) has been directed to make the payment. A perusal of the *zimni* orders appended with the present petition as Annexures P-5 to P-9 clearly reveals that no objections have been filed by the petitioner before the Executing Court.

Keeping in view the totality of the circumstances, I do not find any merit in the present revision petition which is, hence, dismissed.

Dismissed.

**( ALKA SARIN )**  
**JUDGE**

**15.03.2022**  
Yogesh Sharma

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