

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

**Civil Revision No.2202 of 2022
Date of Decision: 30th May, 2022**

IFFCO TOKIO General Insurance Co. Ltd.

...Revisionist-Petitioner

Versus

Gopi Chand & Others

....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sanjeev Kodan, Advocate,
for the petitioner-Insurance Company.

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MEENAKSHI I. MEHTA, J.

By way of the instant revision-petition, the petitioner (arrayed as respondent No.3 in the claim petition) has assailed the order dated 09.08.2018 (Annexure P-2) and the Award dated 12.11.2018 (Annexure P-3) passed by learned Motor Accident Claims Tribunal Kaithal (for short 'the Tribunal') as well as the order dated 10.03.2022 (Annexure P-5) handed down by learned Additional District Judge, Kaithal.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the present revision petition, are that respondent No.1-claimant (here-in-after to be referred as 'the claimant') filed a petition under Section 163-A of the Motor Vehicles Act for seeking compensation from respondents No.2 and 3 and the petitioner, being the respective driver, owner and insurer of the Motor-cycle bearing Registration

No.HR41-H-0717, on account of his (claimant's) having suffered the injuries in a motor vehicular accident that took place on 15.07.2016. Vide the impugned order Annexure P-2, the petitioner was proceeded against *ex-parte* and vide the impugned Award Annexure P-3, the above-said claim petition was allowed while awarding compensation to the tune of Rs.70,035/- to the claimant along-with interest thereon at the rate of 9% per annum. The petitioner moved an application under Order 9 Rule 13 CPC with a prayer to set aside the order Annexure P-2 and Award Annexure P-3 and vide the impugned order Annexure P-5, the above-said application has been dismissed.

3. I have heard learned counsel for the petitioner in this revision petition and have also gone through the file carefully.

4. A perusal of the impugned order Annexure P-2 reveals that while proceeding *ex-parte* against the petitioner (respondent No.3) in the claim petition, the Tribunal has categorically observed that the notice issued to the petitioner had been received back duly served. Thereafter, the impugned Award Annexure P-3 was also passed *ex-parte* against the petitioner. In para No.9 of the impugned order Annexure P-5, it has categorically been observed that the summons issued to the petitioner had been received back duly served through one Sh. Rahul, Junior Manager at the Kaithal Branch of the petitioner and the original summons bore his (Sh. Rahul's) signatures as well as the stamp of the petitioner-Insurance company. In these circumstances, it becomes crystal clear that the petitioner had rightly been proceeded against *ex-parte* vide the impugned

order Annexure P-2 and it being so, it is further held that the impugned Award Annexure P-3 and order Annexure P-5 are legal and justified ones.

5. As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, irregularity or perversity in the impugned order Annexure P-2, Award Annexure P-3 and order Annexure P-5 so as to call for any interference by this Court. Resultantly, the present revision petition, being devoid of any merit, stands dismissed.

30.05.2022

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No