

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR 597/2019(O&M)

Date of decision:7.2.2023

Parkash Singh and another

.....Petitioner.

Vs.

Baljinder Singh

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashok Singla, Advocate for the petitioners.

Mr. Amaninder Singh Sekhon, Advocate for the respondent.

Nidhi Gupta, J.

It is submitted by the learned counsel for the petitioners-owner and driver respectively of the alleged offending vehicle- that they have been incorrectly arrayed as respondents in MACT No.5/2018 as in actual fact the offending vehicle was a bus of yellow color which was in the ownership of “The Women Gurukul College Groups of Institutions, Kotkapura, District Faridkot”. It is submitted that accordingly petitioners had moved application under Order 1 Rule 10 CPC for impleadment of said “The Women Gurukul College Groups of Institutions, Kotkapura, District Faridkot” through its owner/Managing Director as respondent no.4 in the above mentioned claim

petition. However, vide impugned order dated 29.11.2018, the said application on behalf of the petitioners was dismissed by the learned Motor Accident Claims Tribunal, Faridkot. It is submitted that now the main claim petition stands decided vide Award dated 9.1.2023 as a result of which the present revision petition has been rendered infructuous and may be disposed of as such.

It is submitted that vide said Award petitioners have been held liable to pay compensation of Rs.5.66 lacs. It is submitted that the petitioners are in the process of filing an Appeal against the above said Award dated 9.1.2023, and liberty may be granted to them under Order 43 Rule 1-A read with Section 105 CPC to challenge the order impugned in the present revision petition in Appeal to be filed against the above said Award.

Dismissed as infructuous with liberty as prayed for.

07/02/2023
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No