



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CR-3330 of 2024 (O&M)

Decided on: 03.07.2024

Damodar Singh

...Petitioner

Versus

DHFL General Insurance and others

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

RITU TAGORE, J.

1. This revision is directed against the order dated 27.03.2023 (Annexure P-10), whereby an application (Annexure P-5) filed by the DHFL General Insurance Limited, in claim petition bearing No.MACP No.44/2020 titled as ‘Prince Kumar and others vs. DHFL General Insurance Company Limited and others’ for clubbing the petitions titled ‘Damodar Singh and others Vs. Paramjeet and others’ bearing MACP No.189 of 2020 and the petition bearing No.MACP No.44/2020 titled as ‘Prince Kumar and others vs. DHFL General Insurance Company Limited and others’, has been allowed.

2. Learned counsel for the petitioner submits that claimants, being parents and brothers of deceased Manoj Kumar Singh filed the claim petition



titled 'Damodar Singh and others Vs. Paramjeet and others' bearing MACP No.189 of 2020 (Annexure P-1). Respondents No 4 to 6 filed petition bearing No.MACP No.44/2020 titled as 'Prince Kumar and others vs. DHFL General Insurance Company Limited and others' seeking compensation for the death of Manoj Kumar Singh claiming them to be the children and widow of the deceased. Learned counsel contends that the impugned order was passed without consideration of the objections raised by the petitioners in their reply (Annexure P-7). Specifically, it was asserted that deceased Manoj Kumar Singh never contracted any marriage during his lifetime and explicitly denied that Anita Devi @ Rinki, one of the claimants in MACP No.44/2020 titled as 'Prince Kumar and others vs. DHFL General Insurance Company Limited and others', is the legally wedded wife of deceased Manoj Kumar Singh. Also, denied that other claimants so arrayed in the petition are not the children of the deceased. The claim petition bearing No.MACP No.44/2020, seeking compensation as legal heirs of deceased Manoj Kumar Singh, is wholly false and frivolous. By referring to order dated 16.05.2023 (Annexure P-32), learned counsel further submits that this petition was referred to Permanent Lok Adalat, Ludhiana, for settlement; however, the learned Court terminated the proceedings vide order *ibid*, observing that matter requires adjudication due to the serious questions of facts and law involved.

3. It is urged by the learned counsel that learned MACT, Ludhiana without properly appreciating the disputed questions of fact and law, encompassed the claim petitions, which shares no reasonable commonality except for the fact that both involve the demise of Manoj Kumar Singh in



the motor vehicular accident. Therefore, the order in question does not withstand judicial scrutiny and is liable to be set aside.

4. Learned counsel for the petitioner urged that purpose of clubbing the above mentioned petitions was to afford an effective and speedy remedy to the claimants, which however, has been rendered nugatory due to the dilatory tactics adopted by the petitioners of MACP case No.44 of 2020. The learned counsel also raised a grievance that the presence of the witnesses as well as the counsel of the petitioners is not acknowledged and recorded in the *zimini* order of the lead MACP case No.44 of 2020. To support his contention, learned counsel referred to the orders passed in MACP case No.44 from Annexures 12 and 13. Learned counsel also submitted that the online case status of the petition No.189 preferred by the present petitioner has been shown as disposed of uncontested (Annexure P-11), which is contrary to other orders (Annexure P-9 & P-10) passed in the petition, causing prejudice to the petitioners-claimants. On the above submissions, it is prayed that the impugned order be set aside and their petition No.189 be restored to its original number and the stage before it was clubbed.

5. Keeping in view the prayer made in the present petition, I am of the considered view, issuing notice to the respondents is deemed unnecessary, at this stage.

6. It is a matter of record, in the matter of compensation for the death of Manoj Kumar Singh in a motor vehicular accident dated 28.12.2019, two claim petitions as mentioned above were filed before learned MACT, Ludhiana. The *zimini* order dated 07.03.2022 (Annexure P-



4) indicate that MACP No.189 of 2020 was transferred to the Court, where claim petition No.MACP No.44/2020 titled as ‘Prince Kumar and others vs. DHFL General Insurance Company Limited and others’ was already pending. Admittedly, an application (Annexure P-5) was filed by Insurance Company in a claim petition No.MACP No.44/2020 titled as ‘Prince Kumar and others vs. DHFL General Insurance Company Limited and others’ for clubbing the petitions on the plea that the FIR and incident in both the cases are identical, the parties are related, and subject matter of both the cases is the same and to avoid contradictory decisions. The present petitioners filed the reply (Annexure P-7) and resisted the petition, disputing the status claimants’ status as legal heirs of the deceased. The learned MACT clubbed both the cases and passed the following order: -

“Heard. The instant claim petition and the claim petition titled as “Damodar Singh Vs. Paramjeet Singh in MACP No.189 of 2020 have arisen out of the same incident, one filed by widow and children and other filed by parents and brother of the deceased. So same are ordered to be clubbed together. Evidence shall be recorded in instant petition. To come upon 17.05.2023 for evidence of claimant.”

7. The key objective of clubbing the suits is to avoid contradictory judgments, save time and prevent multiplicity of proceedings. The Court has discretion to order clubbing based on factors or specific circumstances such as the similarity of the subject matter, the convenience of the parties and to balance the interest of justice. In two petitions, there is commonality of issue regarding the accident, involvement of the offending vehicle and factum of negligence of the driver in causing the accident. For that, parties are to lead same evidence and present same arguments in proof of above facts in



controversy. Insofar as the disputed question of facts raised by the present petitioner regarding the status and entitlement of the claimants of Petition No.44/20 is concerned, these are to be adjudicated upon based on the appraisal of evidence led by the parties. Given the respective pleadings of the parties, clubbing both the petitions would afford all concerned an effective opportunity to lead evidence promptly and conveniently, further enabling the Court to decide the core issues involved in the matter. This would certainly mitigate the chances of passing conflicting judgments. Keeping these material considerations in mind, this Court is of the considered view that impugned order does not suffer from any legal infirmity, calling for any interference by this Court.

8. Accordingly, this petition is dismissed.

9. Nonetheless, it is expected that learned trial court would make every endeavour to decide the claim petitions pending before it promptly. Further, it is needless to mention, parties to both the petitions shall also assist the learned trial Court in expeditious disposal of the petitions, without seeking any undue adjournment(s). Regarding the grievance of the petitioners that the names of his counsel and witnesses were not acknowledged in the orders Annexure P-12 and P-13 passed by the learned trial Court and that online case status of the petition No.189 has been shown as disposed of uncontested, the claimants may move an appropriate application before the learned trial Court for redressal of their grievance. Upon doing so, the learned trial Court is to dispose of the said application in accordance with law.



10. It is suffice to note that the deliberations made above were purely in the context of the matter and not on the merits of the petitions pending before the learned trial Court.

11. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

03.07.2024
Rimpal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No