



**CM-17489-CII-2024 in/and -1-
FAO-2735-2024**

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

(119-1)

**CM-17489-CII-2024 in/and
FAO-2735-2024**

Date of Decision: - 22.10.2024

OK Play India Ltd.

....Appellant

Versus

Mahender and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

**Present:- Mr. Pawandeep Singh, Advocate, and
 Mr.Rahul Rohilla, Advocate, for the non-applicant/appellant.**

**Mr. Sanjeev Kumar Panwar, Advocate
for applicant/respondent No.1.**

**Mr. Nigam K. Bhardwaj, Advocate
for respondent No.4-Insurance Company.**

VIKAS BAHL, J. (ORAL)

CM-17489-CII-2024

1. Present application has been filed under Section 151 CPC for
vacating the stay order dated 01.07.2024 (Annexure A-1).

2. Learned counsel for the non-applicant/appellant as well as
learned counsel for the respondents have jointly submitted that the main
case be preponed from 28.10.2024 to today as the same can be disposed
of.

3. In view of the above, the main appeal is preponed from
28.10.2024 to today.

FAO-2735-2024 (O&M)

1. On 01.07.2024, Co-ordinate Bench of this Court was pleased

**CM-17489-CII-2024 in/and -2-
FAO-2735-2024**

to pass the following order: -

“Learned counsel for the appellant, inter-alia, contend that learned MAC Tribunal has returned the findings on issue No.3, pertaining to the violation of the terms and conditions of the Insurance Policy by the present appellant (arrayed as respondent No.2 in MAC Petition) and the consequent liability of respondent No.2-insurer (sued as respondent No.3 in MAC Petition), against the insurer but however, it has erroneously fastened the liability upon the appellant to pay the compensation to respondent No.1-claimant.

Notice of motion.

Let notices be issued to the respondents for 28.10.2024 through ordinary process, email or any other electronic mode. Dasti as well.

To be listed along-with the connected appeal bearing FAO No.2733 of 2024.

Meanwhile, the concerned Executing Court shall adjourn the Execution Petition, pending before it, to some date beyond the next date of hearing, as fixed in the instant appeal.”

2. On 19.10.2024, this Court was pleased to pass the following order: -

“Learned counsel for respondent No.1-claimant has submitted that the Motor Accident Claims Tribunal has carried out the correction in the award and thus, the grievance of the present appellant has been met and the main appeal has been rendered infructuous.

Notice in the applications for 22.10.2024.

To be taken up in the urgent list.

Registry is directed to inform learned counsel for the appellant about the date fixed by this Court.

Learned counsel for respondent No.1 also undertakes to inform learned counsel for the appellant about the date fixed by this Court.

A photocopy of this order be placed on the file of other connected case.”

3. Learned counsel for the appellant has submitted that although, a correction has been made in the award vide order dated 14.10.2024 and the same substantially satisfies the claim of the appellant,



**CM-17489-CII-2024 in/and -3-
FAO-2735-2024**

but in case, the present appeal is disposed of in view of the above and subsequently the Insurance Company on a wrong understanding of the order, proceeded against the present appellant, then, the present appellant would have no remedy left. It is thus submitted that the present appeal be disposed of in view of the subsequent order dated 14.10.2024, but liberty be granted to the appellant to revive the present appeal in case any cause arises in future.

4. Learned counsel for the claimant has submitted that a perusal of the subsequent order dated 14.10.2024, copy of which has been handed over to the Court and is taken on record and has been marked as 'Mark A' would clarify that it is the insurance company, which has to satisfy the award and no recovery right has been given to the said insurance company. It is further submitted that the Insurance Company has already deposited the amount, but the same has not been released only on account of the interim order passed in the present appeal.

5. Keeping in view the above-said facts and circumstances and the subsequent order dated 14.10.2024, the present appeal is disposed of, however, liberty is granted to the present appellant to revive the present appeal in case any cause arises in future.

October 22, 2024
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No