



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

CR-4915-2018 (O&M)

Date of Decision : 26.03.2025

Surjit Singh

... Petitioner(s)

Versus

National Insurance Co. Ltd.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Rangi, Advocate,
Ms. Sukhanpreet Rangi Sekhon, Advocate and
Ms. Kawaljit Kaur Dhillon, Advocate for the petitioner.

Mr. Harjinder Singh, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 02.07.2018 whereby the objections filed by the JD-petitioner have been dismissed.

2. Brief facts relevant to the present *lis* are that a claim petition was filed before the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'Tribunal') in which an *ex parte* award was passed against the JD-petitioner herein on 18.12.2006 and the respondent-Insurance Company was given recovery rights. When the respondent-Insurance Company filed an execution petition, objections were filed by the JD-petitioner herein and an application under Order 9 Rule 13 of the Code of Civil Procedure, 1908 was also filed on 14.04.2008 which was dismissed vide order dated 29.09.2012. The said order dismissing the application under Order 9 Rule 13 CPC was challenged by filing CR-4401-2013 before this Court which was

also dismissed vide order dated 05.02.2015. Subsequently, the objections were also dismissed vide the order dated 02.07.2018 on the ground that the Executing Court could not go behind the award which had since attained finality. Hence, the present revision petition.

3. Learned counsel for the JD-petitioner would contend that the respondent-Insurance Company had misled the Tribunal by stating that the driver of the offending vehicle did not have a valid driving licence and hence the award granting recovery rights to the respondent-Insurance Company was not a valid award and not sustainable in law.

4. *Per contra* the learned counsel for the respondent-Insurance Company has contended that the award dated 18.12.2006 has attained finality inasmuch as an application was filed by the JD-petitioner herein under Order 9 Rule 13 CPC on 14.04.2008 for setting aside the *ex parte* award dated 18.12.2006 which was dismissed vide order dated 29.09.2012. The said order dated 29.09.2012 was further challenged before this Court in CR-4401-2013 which was dismissed vide order dated 05.02.2015. The JD-petitioner herein chose not to challenge the order dated 05.02.2015 passed in the revision petition and hence the award attained finality. It is further contended that the Executing Court could not go behind the award and set aside the findings given qua the driving licence and the recovery rights given to the respondent-Insurance Company.

5. I have heard the learned counsel for the parties.

6. In the present case, as noticed above, an *ex parte* award was passed on 18.12.2006. The JD-petitioner herein filed an application under

Order 9 Rule 13 CPC on 14.04.2008 which was dismissed vide order dated 29.09.2012. Even the civil revision being CR-4401-2013 was dismissed vide order dated 05.02.2015. The award dated 18.12.2006 hence attained finality. What the JD-petitioner in effect is seeking is for setting aside the findings returned by the Tribunal in the award dated 18.12.2006. It is trite that an Executing Court cannot go behind the award passed by the Tribunal. The matter cannot be reopened on merits before the Executing Court.

7. The argument of the learned counsel for the JD-petitioner that the driving licence was not brought to the notice of the Tribunal by the respondent-Insurance Company cannot be accepted as merits of the case could have only been challenged had the award been challenged or had the application under Order 9 Rule 13 CPC been allowed. However, since the award has attained finality, no fault can be found with the order dated 02.07.2018 passed by the Executing Court.

8. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

9. A copy of this order be sent to the Executing Court for proceeding with the matter in accordance with law.

26.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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