

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****133****CR-3653-2025 (O&M)****Date of decision: 01.07.2025****Rakesh Verma****...Petitioner(s)****Vs.****Mamta Rani and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

NIDHI GUPTA, J.

The present Civil Revision Petition has been filed by the Judgment Debtor under Article 227 of the Constitution of India for setting aside impugned order dated 16.05.2025 passed by Id. Additional District Judge, Ludhiana, in Execution Petition titled as "*Mamta Rani vs. Rakesh Verma*" bearing case No. EXE/8305/2024 dated 20.03.2024, vide which application filed by the petitioner seeking stay of proceedings on the ground of pendency of Order 9 Rule 13 CPC, has been dismissed.

2. It is *inter alia* submitted by learned counsel for the petitioner that the learned Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as "Tribunal") has passed exparte impugned Award dated 08.01.2019 (Annexure P-1) whereby petitioner/owner of the offending vehicle, was held liable to pay the compensation amount of Rs.20,50,700/- on account of the fact that offending vehicle was not insured at the time of accident. Learned counsel submits that the



accident in question is stated to have taken place in Rewari; and petitioner is a resident of Ludhiana; whereas claim petition has been filed in Bathinda. It is submitted that therefore, the petitioner was not served before the learned Tribunal in accordance with law; and the impugned ex-parte Award came to be passed.

3. Ld. Counsel submits that accordingly, the petitioner had filed application under Order 9 Rule 13 CPC (Annexure P-2) seeking setting aside of the Award. The said application of the petitioner is still pending before the learned Tribunal. Ld. counsel contends that in view of pendency of the petitioner's application, the learned Executing Court could not have dismissed the petitioner's application seeking stay of the executing proceedings. It is accordingly prayed that the impugned order dated 16.05.2025 be set aside.

4. No other argument is made by ld. counsel for the petitioner.

5. Heard learned counsel and perused the case file in great detail.

6. I find no merit in the submissions made on behalf of the petitioner. It is not denied by the petitioner that at the time of accident, which took place on the intervening night of 18/19th August 2017, the petitioner was driving the offending vehicle. Given the admitted fact that the petitioner was driving the offending vehicle at the time of accident, it would appear inconceivable that petitioner was not aware of the institution of the claim petition. Learned counsel for the petitioner has also not denied that the petitioner had failed to put in appearance



before the learned Tribunal despite service and had accordingly been proceeded against exparte by the Tribunal vide order dated 19.11.2018.

7. Furthermore, the respondents' claim petition was allowed by the learned Tribunal vide Award dated 08.01.2019 (Annexure P-1); whereafter, Execution Petition was filed by the claimants before the learned Additional District Judge, Ludhiana. However, the present application under Order 9 Rule 13 CPC registered as MACM-52-2025, has been filed only in the year 2025 before the MACT, Bathinda; in which after notice, respondents have put in appearance on 29.05.2025 as evident from zimni order dated (Annexure P-3), which reads as under:-

"Summons sent to respondent received back served. At this stage, Sh. S.P.S. Khokhar, Advocate filed power of attorney on behalf of respondent. Summoning completed. Adjourned to 11.07.2025 for filing of reply by respondents to the application under Order 9 Rule 13 CPC and application for staying the operation of impugned award."

8. Perusal of the above also shows that the petitioner has already made prayer before the Tribunal for staying operation of the Award.

9. Furthermore, I am in complete agreement with the observations made in the impugned order that mere pendency of application under Order 9 Rule 13 CPC would not entitle the petitioner to stay of the proceedings in the execution proceedings. Learned counsel for the petitioner has also been unable to dispute that Hon'ble Supreme



Court in *Periyammal (Dead) and others vs. V. Rajamani and another*, **Law Finder Doc Id # 2702569**, referred to by the learned Additional District Judge, Ludhiana in the impugned order dated 16.05.2025, has issued clear and categoric guidelines and directions for conduct of execution petitions as per which the Executing Court is required to dispose of the present execution application by 30.09.2025.

10. In this view of the matter, no ground to interfere in the impugned order dated 16.05.2025 is made out. The present Civil Revision Petition, accordingly, stands **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

01.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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