



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

CR-8035-2025

DECIDED ON: 10.11.2025

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....PETITIONER

VERSUS

CHANDER KANTA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Samarth Sagar, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present revision petition has been preferred by National Highways Authority of India (NHAI) under Article 227 of the Constitution of India challenging the order dated 04.10.2025 passed by the learned Executing Court, whereby the objections filed by the petitioner—Judgment Debtor to the execution petition filed by Decree Holders for execution of decree dated 31.10.2023 have been dismissed.

2. Learned counsel for the petitioner has contended that the learned Executing Court committed a grave illegality in rejecting the objections. It is argued that the award dated 31.10.2023 was passed by the Motor Accident Claims Tribunal, Chandigarh, against NHAI, Regional Office, Chandigarh, whereas in the execution petition, the NHAI, Regional Office, Panchkula has been arrayed as the judgment debtor. It is urged that both offices are distinct administrative entities functioning under separate

Project Implementation Units (PIUs), and therefore, execution against the Panchkula office is not maintainable. Counsel further contends that the Tribunal at Chandigarh lacked territorial jurisdiction under Section 166(2) of the Motor Vehicles Act, 1988, as the accident in question occurred in District Kinnaur (Himachal Pradesh), the claimants were residents of that area, and the vehicle involved was owned by the Himachal Road Transport Corporation having its office at Shimla. It is, therefore, argued that the Tribunal at Chandigarh had no territorial jurisdiction to entertain and decide the claim, and the award passed is without jurisdiction and consequently a nullity.

3. It has further been submitted that the petitioner–NHAI was never served properly during the MACT proceedings, and that one official of Himachal Pradesh PWD, Rampur, who appeared initially, did so under a mistaken impression, though that department is distinct from NHAI. The petitioner thus remained unrepresented, and the award was passed ex parte. The petitioner has also filed an application under Order IX Rule 13 CPC before the learned Tribunal seeking to set aside the ex parte award, which is pending consideration. It is thus contended that the impugned order dismissing the objections is perverse and liable to be set aside.

4. Since the short controversy is involved in the present revision petition, no notice is required to be issued to the respondents.

5. I have considered the submissions advanced by the learned counsel for the petitioner and have carefully gone through the record.

6. A perusal of the impugned order reveals that the learned Executing Court has given detailed findings on each of the issues raised by the petitioner. The learned District Judge, Chandigarh has rightly observed

that both the Regional Office at Chandigarh and Regional Office at Panchkula are functioning under the same statutory authority, namely the National Highways Authority of India, established under the National Highways Authority of India Act, 1988, and therefore, the distinction in address does not alter the legal character of the judgment debtor. The execution petition filed against NHAI, Regional Office, Panchkula, cannot be said to be misconceived merely because of variation in the office address, as the liability under the award remains that of NHAI as a statutory body.

7. As regards the contention that the award passed by the MACT, Chandigarh is without territorial jurisdiction, the same cannot be entertained in execution proceedings. The Executing Court cannot go behind the decree or examine its correctness on merits. The only exception to this settled rule is where the decree is a nullity for want of inherent jurisdiction. However, the award passed by the Tribunal does not suffer from any such patent lack of jurisdiction, as it was passed after issuance of notice to NHAI and upon consideration of the evidence available. Moreover, an application under Order IX Rule 13 CPC seeking to set aside the ex parte award has already been filed by the petitioner before the Tribunal, and the said forum is competent to adjudicate upon that issue.

8. The question whether the accident occurred within the territorial jurisdiction of the Tribunal or whether NHAI was rightly impleaded are matters touching upon the correctness of the adjudication and not the inherent jurisdiction of the Tribunal. Such questions cannot be reopened before the Executing Court, nor can they be made a ground to obstruct execution of an award which is presently valid and binding.

9. The learned Executing Court has also rightly observed that once an award has attained finality, the judgment debtor cannot avoid payment by resorting to technical objections regarding office nomenclature or territorial issues. The finding recorded by the Executing Court that NHAI, Chandigarh and NHAI, Panchkula operate under the same legal and administrative umbrella is fully justified and in consonance with law.

10. This Court finds no perversity, illegality, or jurisdictional error in the impugned order dated 04.10.2025 passed by the learned District Judge, Chandigarh. The impugned order is well-reasoned and based on a correct appreciation of the facts and settled principles governing execution proceedings.

11. Accordingly, finding no merit in the present revision petition, the same is hereby dismissed.

12. It is, however, made clear that any observation made in this order shall not affect the merits of the application filed by the petitioner under Order IX Rule 13 CPC before the learned MACT, Chandigarh, which shall be decided independently in accordance with law.

13. All pending miscellaneous application(s), if any, stands disposed of.

10.11.2025

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No