



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

118

CR-8181-2025

Date of decision: 18.11.2025

Bahadur Singh Gill

...Petitioner

Versus

Manoj Guleria and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present : Mr. Kiratpal Dhaliwal, Advocate, for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Section 115 of the Code of Civil Procedure, 1908, challenging the impugned order dated 30.10.2025 passed by the learned Additional District Judge-cum-Motor Accident Claims Tribunal, SAS Nagar (Mohali), in Execution Petition No. EXE-2360-2019 titled “*Manoj Guleria vs. Harpreet Singh and another*”, whereby the learned Executing Court appointed the Sub-Divisional Magistrate, SAS Nagar, as Court Auctioneer and directed the sale of the petitioner’s residential house/property.

2. Brief facts of the case are that respondent No.1/decree holder filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Motor Accident Claims Tribunal, SAS Nagar (Mohali), vide MACT No. 87 dated 17.10.2016, seeking compensation for the injuries sustained by him on account of the rash and negligent driving of the petitioner/driver. The petitioner appeared before the Tribunal and contested the claim, however, he was proceeded against ex parte on 07.07.2017 after due service of notice. The claim of respondent No.1 was allowed vide order



dated 13.04.2018 by the learned Tribunal and respondent No.1/injured was awarded compensation of Rs.85,000/-, jointly and severally, against the petitioner and respondent No.2, along with costs of Rs.1,000/-. Thereafter, respondent No.1/decree holder filed an execution petition seeking execution of the award dated 13.04.2018 for Rs.85,000/-. The petitioner was again proceeded against *ex-parte* vide order dated 22.01.2020 due to his non-appearance. Subsequently, the petitioner filed an application under Order IX Rule 13 CPC for setting aside the *ex parte* order dated 22.01.2020, which was dismissed by the learned Executing Court vide order dated 09.09.2024, holding that the petitioner was aware of the proceedings but had deliberately avoided appearance, and warrants of attachment were re-issued in respect of the petitioner's house/property and in pursuance of the impugned order, the petitioner's residential house/property has now been put to sale on 09.12.2025.

3. Today, learned counsel for the petitioner has appeared and filed an affidavit dated 14.11.2025, wherein it has been submitted that the petitioner has handed over a Cheque No. 000120, Account No. 23561740000108, for an amount of Rs.1,22,815/- (Rupees One Lakh Twenty-Two Thousand Eight Hundred Fifteen Only), drawn on HDFC Bank, Branch Manauli, SAS Nagar (Mohali), to the office of the Sub-Divisional Magistrate, SAS Nagar (Mohali), towards full and final satisfaction of his entire liability under the award dated 13.04.2018 in Execution Petition No. EXE-2360-2019. It has further been stated in the affidavit that a request was made to the Sub-Divisional Magistrate to accept the said cheque and remit the amount to the learned Executing Court for satisfaction of the decree.



4. Heard learned counsel for the petitioner and perused the paper book.

5. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

6. Keeping in view the above, and considering the fact that the cheque amounting to Rs.1,22,815/- stands deposited with the Sub-Divisional Magistrate, SAS Nagar (Mohali), and a request has already been made to the said authority to remit the amount to the learned Executing Court for satisfaction of the decree, the present revision petition is allowed. Consequently, the impugned order dated 30.10.2025 passed by the learned Additional District Judge-cum-Motor Accident Claims Tribunal, SAS Nagar (Mohali), is set aside and consequent proceedings thereto are also set aside.

November 18, 2025
anil

(AMARINDER SINGH GREWAL)
JUDGE

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