

2026:PHHC:035207



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

**CR-449-2021 (O&M)
Decided on:-05.03.2026**

Thangapandiyan P.

....Petitioner..

vs.

United India Insurance Co. Ltd and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Ajay Chauhan, Advocate for
Mr.M.S. Virk, Advocate,
for the petitioner.

Mr. Sandeep Suri, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 17.03.2020 passed by the learned Motor Accident Claims Tribunal, Panchkula, (for short, "MACT") whereby, an application preferred at the instance of respondent-Insurance Company under Section 151 CPC, for recalling the award dated 14.12.2019 passed on the basis of compromise in the National Lok Adalat, was allowed and the claim petition bearing CIS No.MACP/110/2018 was ordered to be restored to its original number.
2. In the present case, the petitioner having sustained injuries in a road accident dated 14.03.2018, filed a claim petition before the learned MACT. The said claim petition was disposed of by the learned Presiding

Officer, National Lok Adalat-cum-Motor Accident Claim Tribunal, Panchkula, vide award dated 14.12.2019, in terms of the compromise arrived at between the parties, while awarding a sum of Rs.4,50,000/- in favour of the petitioner-claimant. Subsequently, on 11.02.2020, the respondent-Insurance Company moved an application before the learned MACT seeking recalling of the award dated 14.12.2019, pleading therein that Sh. S.C. Sharma, Advocate, who had appeared before the National Lok Adalat on its behalf, was never authorized to enter into any kind of compromise. The said application, though contested by the petitioner-claimant, however, was allowed by the learned MACT vide its order dated 17.03.2020.

3. The only ground taken by the respondent-Insurance Company for the purpose of seeking recalling of the award dated 14.12.2019 and for restoration of the main claim petition was that Sh. S.C. Sharma, Advocate, who represented the Insurance Company before the National Lok Adalat was never authorized to appear and enter into a compromise.

4. I have heard learned counsel for the parties and gone through the paper book.

5. From the record, it can be discerned that in the main claim petition bearing CIS No.MACP/110/2018, titled as ***“Thangapandiyan P. vs. Ayush Singh Thakur and others”***, the respondent-Insurance Company put in appearance before the learned MACT having filed power of attorney (Annexure P-1 at page 13 of the paper book) through its counsel, namely, Sh. G.D. Gupta, Sh.Ashok Gupta and Sh. Subhash Sharma. Therefore, once Sh. Subhash Sharma, Advocate had duly signed the power of attorney on behalf of the respondent-Insurance Company before the learned MACT, as per the terms stated in the said power of attorney, he was authorized to

withdraw or compromise the matter on behalf of his client i.e. respondent-Insurance Company. In such circumstances, it was wholly uncalled for on the part of the respondent-Insurance Company to move any application before the learned MACT with respect to recalling of the award dated 14.12.2019 passed by the Presiding Officer, National Lok Adalat-cum-Motor Accident Claim Tribunal, Panchkula.

6. Accordingly, order dated dated 17.03.2020 passed by the learned MACT is unsustainable in the eyes of law and the same is thus, set aside. Resultantly, the present petition is allowed and the award dated 14.12.2019 passed by the Presiding Officer, National Lok Adalat-cum-Motor Accident Claim Tribunal, Panchkula, is hereby restored.

7. Pending applications, if any, also stand disposed of.

05.03.2026

sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No