



CR-7014-2025

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

CR-7014-2025

Date of Decision: 01.10.2025

RAJ KUMAR

....Petitioner

Versus

UNITED INDIA INSURANCE CO. LTD. AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ram Kumar Saini, Advocate
 for the petitioner.

 Mr. Punit Jain, Advocate
 for respondent No.1.

Parmod Goyal, J. (Oral)

Petitioner/judgment debtor is aggrieved by order dated 18.09.2025 (Annexure P-7), vide which application to place on record certain documents was dismissed and order dated 19.09.2025 (Annexure P-8), whereby conditional warrants of arrest were issued against the judgment debtor.

2. In the present case, respondents/claimants had filed a claim petition seeking compensation for injuries suffered in accident dated 11.07.2010, on account of rash and negligent driving of respondent No.1 while driving vehicle bearing No.DL-3CF-3676, owned by respondent No.2 i.e. present petitioner. The claim was allowed vide award dated 17.02.2012, passed by learned Motor Accident Claims Tribunal, Hisar, (hereinafter referred to as 'Tribunal'). As regards to liability of insurance company issue No.3 was framed by learned Tribunal and issue No.3 was decided in favour of respondent No.3/insurance company after considering evidence of RW1-



Balwan Singh Licence Clerk who had produced the driving licence pertaining to Naresh Kumar - driver. On consideration of driving licence which was valid only upto 03.07.2000 whereas accident had taken place on 11.07.2010 recovery rights were granted to insurance company.

3. It is worth noticing that against award dated 17.02.2012, petitioner as well as respondents had filed their respective first appeals before this Court. Claimant-Krishan Kumar had filed FAO No.3480 of 2012, respondents No.1 and 2 i.e. Naresh Kumar and present petitioner-Raj Kumar had filed FAO No.2183 of 2012 and respondent No.3-insurance company had filed FAO No.2901 of 2012. All the three appeals were decided vide common judgment passed by High Court vide judgment dated 30.05.2014. FAO No.2183 of 2012 preferred by present petitioner/judgment debtor and FAO No.2901 of 2012 preferred by insurance company were dismissed, whereas FAO No.3480 of 2012 preferred by claimant/petitioner was partly allowed.

4. Present petitioner/judgment debtor had approached the Hon'ble Supreme Court being aggrieved by judgment dated 30.05.2014, passed by High Court, by way of Special Leave Petition (Civil) No.4005 of 2019 titled as Raj Kumar and another Vs. United India Insurance Company Ltd. and another, the said SLP preferred by the present petitioner/judgment debtor was dismissed by Hon'ble Supreme Court vide order dated 21.11.2019.

5. In execution of award dated 17.02.2012, insurance company had duly paid entire amount awarded to claimants and thereafter, as per award had filed execution for recovery of amount paid, from respondents No.1 and 2. Present proceedings have arisen from said execution petition and now by his application petitioner/judgment debtor is wanting to place on record documents i.e. application dated 10.01.2022 in original endorsement



of Office of Regional Transport Authority, Hisar along with renewal of licence in question and had claimed that he is not liable to pay the compensation as the driving licence in favour of respondent No.1 was valid till 14.03.2011. The said application has been dismissed vide impugned order dated 18.09.2025, on the ground that the executing Court cannot go beyond the award passed on 17.02.2012.

6. I do not find any error in the orders passed by the executing Court. There is a specific finding after consideration of evidence led by parties that respondent No.1 was not holding valid driving licence. The finding is based upon evidence / record produced before the learned Tribunal. Thereafter, present petitioner/judgment debtor had availed his right of first appeal as also has availed right of special leave before Hon'ble Supreme Court. It is worth noticing that the plea now being taken before the executing Court was also taken by present petitioner/judgment debtor before this Court in FAO No.2183 of 2012 filed by him. This Court has duly considered and had not taken cognizance and had not accepted the plea taken by petitioner/judgment debtor while passing judgment dated 30.05.2014. Once the plea stands negated by First Appellate Court, it is not open for judgment debtor to take the same plea before the executing Court.

7. Faced with this, learned counsel for petitioner has argued that this Court has not taken into consideration his plea in judgment dated 30.05.2014 and, therefore, has placed reliance upon judgment of Supreme Court in ***Suresh Kumar Chopra Vs. The Oriental Insurance Company Ltd. & Other***, 2023 (3) TAC 29. However, this Court now cannot go into the orders passed by High Court on 30.05.2014 specially when Special Leave preferred by petitioner against judgment dated 30.05.2014, stands dismissed by Hon'ble Apex Court.



8. The judgment cited by learned counsel for petitioner has no applicability in view of the above noted fact that the documents have been duly considered not only by Tribunal, but also by First Appellate Court and the documents which are not found favour with First Appellate Court cannot be agitated again before the executing Court. The conclusion of executing Court that it cannot go beyond the award cannot be faulted with. The order of Tribunal had merged with the orders passed by this Court vide judgment dated 30.05.2014 and accordingly, there is no merit in the present revision petition, hence is dismissed.

(PARMOD GOYAL)
JUDGE

01.10.2025
chiranjeev

Whether Speaking/Reasoned	:	Yes
Whether Reportable	:	Yes