

2025:PHHC:116484



172-3

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

**Civil Revision No. 5787 of 2025 (O&M)
Date of Decision: 26.08.2025**

Gurdeep Singh

..... Petitioner

Versus

IFFCO-TOKIO General Insurance Company
Limited, Bathinda

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner-Judgment Debtor.

HARKESH MANUJA, J. (ORAL)

The petitioner-Judgment Debtor, by way of present revision petition under Article 227 of the Constitution of India, seeks setting aside of an order dated 05.07.2025 (Annexure P-1) passed by the learned District Judge, Sri Muktsar Sahib (**hereinafter referred to as “Executing Court”**), whereby the objections filed by the petitioner in the Execution Application, preferred at the instance of respondent-Insurance Company, were dismissed.

[2] Briefly stating, in the claim petition, bearing MACT Case No. 98 of 12.06.2010, under Section 166 of the Motor Vehicles Act, 1988, an Award dated 04.10.2011 was passed in favour of claimant-Hardeep Singh by the learned Motor Accident Claims Tribunal, Sri Muktsar Sahib (**for short “the Tribunal”**), while awarding compensation of Rs.75,000/- alongwith interest at the rate of 7% per annum from the date of claim petition till actual payment over and above the compensation amount in favour of the claimant

and against respondent Nos. 1 to 3 therein; the liability of respondent Nos. 1 to 3 being driver, owner and insurer of the offending vehicle was held to be joint and several at the first instance, but respondent-Insurance Company was given the recovery right from the respondent-owner and insured of the offending vehicle.

[2.1] Thereafter, the respondent-Insurance Company filed the execution application bearing EXE/29/2018, wherein the petitioner-Gurdeep Singh (Judgment Debtor) preferred the objections on the ground that the said execution application was not maintainable, as at the time of accident, the petitioner had valid license etc. and also fulfilled all the terms and conditions of insurance policy; as such, only Insurance Company was liable to pay for the awarded amount.

[3] Learned Executing Court, vide order dated 05.07.2025, dismissed the objections preferred by the petitioner-Judgment Debtor. Hence, the present revision petition.

[4] Learned counsel for the petitioner submits that the Executing Court has wrongly held that the petitioner-Judgment Debtor was liable to pay the compensation while he was having valid driving licence at the time of alleged accident. He further submits that without determination of share of Judgment Debtor, the award cannot be executed.

[5] After hearing learned counsel for the petitioner and having gone through the paper-book, I find no substance in the submission(s) made on behalf of the petitioner.

[6] A bare perusal of Award dated 04.10.2011 reveals that the petitioner was owner of the offending vehicle and liability of respondent

Nos. 1 to 3, being driver, owner and insurer (respondent herein) of the offending vehicle was to be joint and several at the first instance but the recovery rights were given to the Insurance Company from the petitioner-Judgment Debtor, who happened to be owner and insured of the offending tractor. Therefore, respondent-Insurance Company is entitled to recover the amount actually paid by it to the third party, especially when the Tribunal has granted recovery rights to the Insurance Company to recover the same from the petitioner-Judgment Debtor. Any such plea now raised about validity of driving license cannot be gone into in the present execution proceedings particularly when the Executing Court cannot travel beyond the Award passed by the Tribunal.

[7] In view of the above, the learned Executing Court has not committed any error or infirmity in dismissing the objections preferred at the instance of petitioner, therefore, the petition being devoid of merit, is hereby **dismissed** with no order as to costs.

[8] Pending miscellaneous application(s), if any, shall also stand disposed off.

August 26, 2025

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(HARKESH MANUJA)

JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>