



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

145

CR No.5625 of 2025

DATE OF DECISION : 21st AUGUST, 2025

Takdir Singh & another

.... Petitioners

Versus

The Oriental Insurance Company Limited

.... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

* * * *

Present : Mr. Satpal Bhasin, Advocate for the petitioner.

* * * *

VIKAS BAHL, J. (Oral)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 07.07.2025 (Annexure P-4) passed by the executing court of MACT, Sonapat, whereby objections filed by the petitioners have been dismissed.
2. Learned counsel for the petitioners has submitted that the petitioners No.1 & 2 are the driver and owner, respectively, of the offending car and as per the award dated 20.02.2023, recovery rights have been given to the Insurance Company against the present petitioners. It is submitted that against the award dated 20.02.2023 two appeals have been filed by the petitioners in which notice has been issued and before the executing court, the petitioners filed objections to the effect that since the appeals of the present petitioners are pending, thus, the execution proceedings should be stayed. It is submitted that however, the said objections have been dismissed by the executing court and the executing court is proceeding further in the matter. It is submitted that



the objections filed by the petitioners deserve to be allowed, and the impugned order dated 07.07.2025 deserves to be set aside.

3. This court has heard the learned counsel for the petitioners and has perused the paper book and finds that the impugned order dated 07.07.2025 passed by the executing court is in accordance with law, and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. It is not in dispute that four claimants had filed two claim petitions i.e MACP No.307 of 2020 and MACP No.150 of 2022 and in both the said claim petitions the present petitioners were impleaded as respondents No.1 & 2 being the driver and owner, respectively, of the offending vehicle. It is also not in dispute that the respondent-Insurance Company has been impleaded as respondent No.3 in both the claim petitions. The Tribunal, vide award dated 20.02.2023 (Annexure P-1) allowed the claim petitions and directed the Insurance Company to satisfy the award and granted the right to the said Insurance Company to recover from the present petitioners. Although, it is the case of the petitioners that they have filed appeals against the said award bearing FAO Nos.2628 & 2629 of 2023 which were listed on 19.05.2023 and notice was issued, but it is not in dispute that there is no interim/stay order in the same. The Insurance Company, after having paid the awarded amount to the claimants, had filed the execution and in the said execution proceedings, the objections had been filed by the present petitioners, which have been dismissed by the executing court on the ground that there is no stay in favour of the present petitioners in the



appeal(s) filed by the present petitioners, and mere pendency of the appeal(s) would not operate as stay against the execution. The said order has been passed in accordance with law and deserves to be upheld. It is a matter of settled law that the executing court cannot go beyond the award/judgment and decree. Once the execution of the award dated 20.02.2023 has been sought by the Insurance Company, it is incumbent upon the executing court to execute the same moreso when there is no stay granted by the appellate Court in the appeal(s) filed by the present petitioners.

5. The Hon'ble Supreme Court in the case of "*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*", reported as (2010) 8 Supreme Court Cases 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of



the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

6. Keeping in view the abovesaid facts and circumstances this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

21st AUGUST, 2025
'raj'

(VIKAS BAHL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>