

CM-11256-CII-2025 in/and  
CM No. 6320-CII-2025 in/and &  
FAO-1982-2025 (O&M)

CM-11243-CII-2025 in/and  
CM-6503-CII-2025 in/and  
FAO-2040 of 2025 (O&M)

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2025:PHHC:094468



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

**CM-11256-CII-2025 in/and  
CM No. 6320-CII of 2025 in/and  
FAO-1982-2025 (O&M)  
RESERVED ON:- 22.07.2025  
DATE OF PRONOUNCEMENT: 28.07.2025**

**M/S MAA JAGDAMBA FILLING STATION**

**.....APPELLANT**

**Vs.**

**PACKAGE POLICY GCCV AND OTHERS**

**.....RESPONDENTS**

**CM-11243-CII-2025 in/and  
CM-6503-CII-2025 in/and  
FAO-2040 of 2025 (O&M)**

**M/S MAA JAGDAMBA FILLING STATION**

**.....APPELLANT**

**Vs.**

**PACKAGE POLICY GCCV AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

**(As on the reserved date)**

Present: Mr.G.C.Shahpuri, Advocate,  
for the applicant-appellant in  
[CM-6320-CII-2025 IN FAO-1982 of 2025 (O&M) &  
CM-6503-CII-2025 IN FAO-2040 OF 2025 (O&M)]

Ms. Meenakshi Bali, Advocate,  
for the applicant-respondent No. 1 in  
[CM-11256-CII-2025 in CM-6320-CII-2025 in FAO-1982-

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2025 (O&M)] &  
CM-11243-CII-2025 in CM-6503-CII-2025 in FAO-2040 of  
2025 (O&M)]

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**HARPREET KAUR JEEWAN, J.**

**CM-11256-CII-2025 in CM-6320-CII-2025 in FAO-1982-2025 AND  
CM-11243-CII-2025 in CM-6503-CII-2025 in FAO-2040 of 2025**

- (i) Applications are allowed, as prayed for.
- (ii) Replies to the applications for condonation of delay of 513 days in filing the present appeals, filed on behalf of respondent No. 1- insurance company are taken on record.

**CM-6320-CII-2025 IN FAO-1982 of 2025 (O&M) &  
CM-6503-CII-2025 IN FAO-2040 OF 2025 (O&M)**

- (i) Prayer in the present applications is for condonation of delay of 513 days in filing the present appeals.
- (ii) Learned counsel for the applicant-appellant has submitted that the Motor Accidents Claims Tribunal, Yamuna Nagar, has passed the order dated 31.07.2023 in favour of the claimant-respondent No. 2 alongwith other claimants. The insurance company has been directed to pay compensation on account of the death of Om Parkash (in FAO-2040 of 2015) and on account of the injuries suffered by the respondent Ravi Kant Saini (in FAO No. 1982 of 2025) in a roadside accident, holding that the driver of the 'offending truck' bearing registration No. HR-58-A-6662 was driving the vehicle in a rash and negligent manner. The appellant is the owner of the alleged *offending truck*, which was duly insured with the



insurance company on the date of the alleged accident, and the driver was driving the vehicle without holding a valid and effective driving licence. The Tribunal has directed the insurance company to pay the compensation and further held that the insurance company shall be entitled to recover the amount of compensation from the owner (appellant) and driver of the 'offending vehicle'.

(iii) It is also contended that since the 'offending vehicle' was duly insured with the insurance company at the time of the accident, the counsel for the applicant-appellant informed the proprietor of the applicant-appellant/firm that she need not worry, as any claim, if made, would be paid by the insurance company. For the said reason, the applicant-appellant did not contact her counsel and came to know about the recovery proceedings against her only upon receiving the notice of execution from the learned Executing Court. Thereafter, the applicant-appellant contacted her counsel at Yamuna Nagar, who confirmed the said fact, and consequently, the present appeals were filed. The delay in filing the appeals is not intentional but occurred due to the aforesaid circumstances.

(iv) Learned counsel appearing for respondent No. 1-insurance company contests the present applications for condonation of delay of 513 days in filing the appeals. She submits (as mentioned in her replies, which are taken on record today) that the claim petition before the Tribunal was filed on 31.07.2020 and was concluded on 31.07.2023. The applicant-appellant is a businessperson and it is hard to believe that she would not



have contacted her counsel up-to three years.

(v) She further submits that as per the Executing Court's record, notice was ordered to be issued to JDs No. 1 and 2, as per the order dated 09.04.2025. On 25.04.2025, the counsel for the appellant appeared before the Executing Court and filed his memorandum of appearance.

(vi) It is further contended that the appellant had filed an application for obtaining a certified copy of the impugned order on 10.02.2025 and received the same on 17.02.2025, i.e. much prior to the service of the notice in the executing petition, as such, the appellant has made a false claim in the present applications and on this ground alone, the applications are liable to be dismissed.

(vii) It is further contended that as per the order dated 09.04.2025 (Annexure R-1/2), notice issued to JD Nos. 1 and 2 was not received back, as such, fresh notice was ordered to be issued for 25.04.2025 which falsifies the contention of the appellant that she applied and obtained the copy of the impugned order after receiving notice from the Executing Court.

(viii) I have considered the aforesaid submissions and perused the paper-book.

(ix) As per the Award passed by the Tribunal, the owner (appellant) and driver of the 'offending vehicle' (respondents No. 1 and 2 before the Tribunal) filed a written statement and contested the petition. The claimants submitted the documentary evidence in the form of Ex. P-1 to P-62 before



the Tribunal. The Award was passed in the presence of counsel representing the petitioner.

(x) It has been further noted that the copy of the Award was prepared on 17.02.2025 and was received by the appellant on the same day from the Copy Branch of the District Court, whereas, it is the specific stand of the appellant that she came to know about the impugned order only upon receiving notice from the Executing Court.

(xi) The respondents rebutted the said contention with documentary evidence (Annexure R-1/2), which is a copy of the order dated 09.04.2025, whereby fresh notice was directed to be issued to JDs No. 1 and 2 (appellant) for 25.04.2025, as such, application to receive copy of award was filed prior to receipt of notice by the applicant.

(xii) It is further noted that there is a substantial delay of 513 days in filing the present appeals. The explanation provided by the applicant for such an inordinate delay is not found to be satisfactory; therefore, there are no plausible grounds or reasons to condone the same.

(xiii) Consequently, the applications stand dismissed.

**FAO-1982 of 2025 (O&M) and FAO-2040 of 2025 (O&M)**

1. Since the applications for condonation of delay of 513 days in filing the present appeals have been dismissed by this Court today itself, the present appeals are, accordingly, dismissed.

2. Pending miscellaneous application(s), if any, shall also stand disposed of.

**JULY 28, 2025**  
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**(HARPREET KAUR JEEWAN)**  
**JUDGE**

Whether Speaking	Yes/No
Whether Reportable	Yes/No