



**RA-CR-147-2025
in FAO-4665-2006 (O&M)**

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**GURVINDER SINGH
VS
KRISHAN AND OTHERS**

Present: Mr. Vishal Sauda, Advocate for
for the applicant/respondent No.2.

Mr. Maneet Kaushik, Advocate for
Mr. Sagar Aggarwal, Advocate
for the non-applicant/appellant.

Ms. Jyotsana Saini, Advocate
for Mr. Ashish Yadav, Advocate
for respondent No.3.

1. The review applicant has filed present review petition under Order XLVII Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') for review of order dated 08.07.2025 passed by this Court in FAO-4665-2006.

2. Learned counsel appearing for the review applicant submits that an award dated 22.07.2006 was passed by the Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as "the Tribunal"), whereby the claim petition was decided against him ex parte. While granting compensation to the claimant, the learned Tribunal fastened recovery rights upon the Insurance Company against the present applicant.

3. Aggrieved by the said ex parte award, the applicant preferred CR-6168 of 2008 titled Vikas Kumar v. The Oriental Insurance Company Limited and others for setting aside ex parte order and FAO-4976-2008 titled Vikas Kumar v. The Oriental Insurance Company Limited and others for challenging the recovery rights granted by learned Tribunal to the insurance company. This Court, vide a common order dated 11.10.2017, was pleased to set aside the findings on the issue of liability and remanded the matter to the learned Tribunal with a specific and limited direction to decide only the issue



relating to inter se liability between the Insurance Company, the driver, and the owner of the offending vehicle. It was expressly clarified that the quantum of compensation awarded would remain unaffected by the remand.

4. Learned counsel further submits that in compliance of the aforesaid remand order, the matter stood restored before the learned Motor Accidents Claims Tribunal, Panipat, bearing MACM-25-2024 titled Krishan v. Gurvinder Singh and others. The proceedings for determination of inter se liability were actively pending, and both the claimant as well as respondent No.3–Insurance Company were duly represented and participating therein.

5. It is further contended that both the claimant and the Insurance Company were fully aware that the issue of liability was sub judice before the learned Tribunal pursuant to the remand order dated 11.10.2017. It is further pointed out that the present appeal was earlier referred to the Lok Adalat of this Court but was returned vide order dated 17.07.2024 on the statement made by counsel for respondent No.3–Insurance Company.

6. Thereafter, the case was listed before this Court on 08.07.2025 for a limited purpose of referral to the “Special Mediation – Drive Mediation for the Nation”, as reflected in the cause list. However, learned counsel appearing for the appellant–claimant as well as learned counsel for respondent No.3–Insurance Company failed to bring to the notice of this Court the remand order dated 11.10.2017 and the pendency of proceedings before the learned Tribunal. In the absence of learned counsel for the present applicant, this Court was led to believe that the matter was ripe for final disposal and consequently proceeded to decide the appeal on merits, thereby inadvertently affirming the recovery rights against the applicant.



7. He, therefore, prays that the order passed by this Court be modified to the extent that the recovery rights granted in favour of respondent No.3–Insurance Company be set aside, and the issue be left to be decided in accordance with the outcome of the proceedings pending before the learned Tribunal.

8. Heard learned counsel for the parties and perused the record with their able assistance.

9. Upon a careful examination of the record, it is evident that the order passed by this Court requires modification. In view of the specific remand order dated 11.10.2017 and the pendency of proceedings before the learned Tribunal for determination of inter se liability, the affirmation of recovery rights in the impugned order cannot be sustained.

10. Accordingly, the order passed by this Court is modified to the extent that the issue of inter se liability to pay compensation to the claimant shall be governed and decided strictly in accordance with the findings to be returned by the learned Motor Accidents Claims Tribunal, Panipat. All rights and contentions of the parties on the issue of liability are left open to be adjudicated by the learned Tribunal.

11. In view of the above, para 14 of judgment dated 08.07.2025 passed by this Court in FAO-4665-2006 is modified to the above-mentioned terms.

12. This order be read as part of order dated 08.07.2025 passed by this Court in FAO-4665-2006.