

Kiran & Ors vs. Dinesh Kumar & Ors 1

Present: Sh. Zile Singh Khutela, Advocate for decree holder.
JD no.2 proceeded against exparte VOD 15.11.2025.
JDs no.1 proceeded against exparte VOD 05.12.2025.

Today an application under section 151 CPC read with section 21 rule 37 & Order 21 Rule 41 CPC for issuance of process of arrest and for disclosure of assets on affidavit with consequential civil detention for willful default filed.

The perusal of the file reveals that the present execution petition has been filed to execute the award dated 14.8.2025 passed by this Court whereby the respondents no.1 to 3, being driver, owner and insurer were jointly and severally held liable to pay the awarded amount, which shall be mainly indemnified by respondent no.3/ insurer. The said award dated 14.8.2025 has been set-aside qua respondent no.3 vide order dated 21.5.2026 passed in CM-230-2026 and respondent no.3/insurance company has been allowed to contest the main claim petition i.e. MACP-274-2022 as an application under Order 9 rule 13 CPC was filed by insurer/respondent no.3 which was allowed on the basis of no objection of the petitioner/decreed holder. Even on dated 21.5.2026, it was ordered in the present execution petition that the present execution petition shall not be proceeded against respondent no.3/insurance company. Since the

award dated 14.8.2025 has been set-aside qua respondent no.3/insurer which was the main indemnifier, therefore, it is not possible to execute the said award against respondents no.1 and 2 i.e. driver and owner, without re-settlement of the said award between petitioner and insurer/respondent no.3. Hence, the award dated 14.8.2025 against respondents no.1 and 2 i.e driver and owner of the offending vehicle can not be executed, till the final settlement of award between petitioner and insurer/respondent no.3. Accordingly, the present execution petition stands disposed of. The petitioner/deGREE holder is at liberty to file fresh execution petition against the respondents as per the final outcome of the main claim petition i.e. MACP 274-2022. File be consigned to record room after due compliance.

Pronounced in open court.

**(Sukirti)
Addl. District Judge
Palwal. 08.7.2026
(UID No. HR0258)**

Santosh Kumari/Steno Gr.I

(Sukirti)
Addl. District Judge
Palwal,08.7.2026
UID No. H0258