

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.89 of 2020 a/w

CMPMO No.90 of 2020

Date of Decision : 24.11.2025

CMPMO No.89 of 2020

United India Insurance Company Petitioner

Versus

Neelam and others Respondents

CMPMO No.89 of 2020

United India Insurance Company Petitioner

Versus

Sita Devi and others Respondents

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Pritam Singh Chandel, Advocate.

For the respondents : Mr. Pratap Singh Goverdhan, Senior Advocate with
Mr. Rakesh Thakur, Advocate.

Bipin Chander Negi, Judge (oral)

Both these petitions are being taken up together as common question arises for consideration.

2. By way of present petitions, challenge in the case at hand has been laid to impugned order dated 25.07.2019 (Annexure P-1). By virtue of the impugned order, an application under Order 6 Rule 17 read with Section 151 of the Civil Procedure Code has been allowed.

3. Heard learned counsel for the parties, perused the impugned order and the documents appended along-with the petitions.

4. At the very outset, learned Senior Counsel appearing on behalf of the respondents has raised the issue of maintainability of the petition. It is contended on behalf of learned Senior Counsel that the impugned order dated 25.07.2019 is an order subject to payment of costs. It is further contended that from the impugned order, it is evident that the matter thereafter was listed for 03.09.2019. Order dated 03.09.2019 has been placed on record along-with application bearing No.28065 of 2025 (in CMPMO No.89 of 2020), which stands allowed vide a separate order.

5. From perusal of the order dated 03.09.2019, it is evident that payment of costs imposed vide order dated 25.07.2019 was accepted by the present petitioner. Learned counsel for the petitioner fairly conceded that the order, in the case at hand, sought to be impugned is subject to payment of costs.

6. Since the impugned order, in the case at hand, has been passed subject to payment of costs and costs has been accepted by the present petitioner, hence, in terms of law laid down in ***Bijendra Nath Srivastava (dead) through LRs. vs. Mayank Srivastava and others, 1994(6) SCC 177***, the present petitioner is now precluded/deprived of the right to challenge the impugned order dated 25.07.2019 on merits.

7. In view of above terms, present petitions stand disposed of. The pending miscellaneous application(s), if any, shall also stand disposed of.

8. The parties are directed to appear before the trial Court on
05.12.2025.

November 24, 2025 (KS)

(Bipin Chander Negi)
Judge