



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 11 of 2021
Decided on 22.12.2022

United Insurance Company Ltd.

....Petitioner.

Versus

Smt. Mani Devi and anr.

... Respondents.

Coram

HON'BLE MR. JUSTICE AJAY MOHAN GOEL.

Whether approved for reporting?¹

For the appellant : Mr. Jagdish Thakur, Advocate.

For the respondents : None.

Ajay Mohan Goel, (Oral)

This case has been taken up on the request of learned counsel for the petitioner. The prayer made in the present petition is for the transfer of the claim petition pending before learned Motor Accident Claims Tribunal-I, Mandi, District Mandi to learned Motor Accident Claims Tribunal-II, Kullu in view of the averments contained in the petition. Learned counsel for the petitioner has submitted that the petitioner-Insurance Company had also filed transfer petitions in the matters arising out of the same accident before the Hon'ble Supreme Court and in terms of the order passed by the

¹ Whether reporters of the local papers may be allowed to see the judgment?

Hon'ble Supreme Court in Transfer Petition (Civil) No. 1039 of 2021, titled *United India Insurance Company Ltd. Vs. Duru Devi and others*, though the request of the petitioner-Insurance Company for the transfer of the claim petitions to the Court of learned Motor Accident Claims Tribunal-II, Kullu stands rejected but Hon'ble Supreme Court has been pleased to order that the Execution proceedings pursuant to the decision that may be rendered by the respective Tribunal will be initiated before MACT-II, Kullu, Himachal Pradesh.

2. I have heard learned counsel for the parties and have also gone through the order passed by the Hon'ble Supreme Court being relied upon by learned counsel for the petitioner. Relevant portion thereof is being quoted herein below:

“In view the aforesaid position, we dispose of the transfer petitions with the following directions, which have been issued in exercise of our power under Article 142 of the Constitution of India:

(a) The claim petitions may be decided and adjudicated by the respective tribunals. Any party aggrieved by the decision would be entitled to invoke appellate/other remedies available to them in law before the respective jurisdictional Courts.

(b) The execution proceedings pursuant to the decision(s) will be initiated before the Motor Accidents Claims Tribunal-II, Kullu, Himachal Pradesh. This will ensure that there is uniformity in implementation of the orders as well as payment of the compensation amount in case the liability of the petitioner-Insurance Company is held to be limited/restricted. Disbursement will be just, fair and equitable.”

3. Accordingly, as prayed for, the petition is disposed of with the observation that the petition shall be adjudicated upon by the learned Tribunal where the claim petition has been filed but execution proceedings pursuant to the decision that may be rendered by the

learned Tribunal shall be instituted in terms of the directions passed by the Hon'ble Supreme Court before the learned Motor Accident Claims Tribunal-II, Kullu. Stay stands vacated. Endeavour be made by the learned MACT to adjudicate the claim petition, as expeditiously as possible.

4. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

22nd December, 2022
(Guleria)