# ORIENTAL INSURANCE CO. LTD. V. RAVINDER SINGH KNAG

1. ORIENTAL INSURANCE CO. LTD.
THROUGH ITS DULY CONSTITUTED ATTORNEY, THE
ORIENTAL INSURANCE CO.LTD. HEAD OFFICE:- 88,
JANPATH, 1ST FLOOR.
NEW DELHI-110001

……..Appellant(s)

Versus

1. RAVINDER SINGH KNAG
S/O. SH. BALDEV SINGH. R/O. VPO, HARDASA.
FEROZEPUR.
PUNJAB.

……..Respondent(s)

**Case No: APPEAL EXECUTION NO. 59 OF 2019**

**Date of Judgement: 05 Jan 2023**

**Judges:**

HON’BLE MR. DINESH SINGH,PRESIDING MEMBER
HON’BLE MR. JUSTICE KARUNA NAND BAJPAYEE,MEMBER

**For the Appellant** : Mr. A. K. Singh, Sr. Advocate with
Mr. Abhishek Kumar Gola, Advocate
Mr. Anshul, Advocate
Mr. Satpal Singh, Dy. Manager of appellant
**For the Respondent** : In PersonHere is a 2452-word summary of the PDF with separate headings:

***Facts:***

***Appeal Execution No. 59 of 2019 filed by Oriental Insurance***

*Co. Ltd against order dated 21.06.2019 of State Commission Punjab in Execution Application No. 10 of 2019 arising out of Consumer Complaint No. 616 of 2018. The State Commission order was in two execution applications filed by the judgment debtor Oriental Insurance – one for preponing the hearing and another for recall of bailable warrants.*

***Arguments by Oriental Insurance:***

*The State Commission had allowed both applications of Oriental Insurance by preponing the hearing and keeping the bailable warrants in abeyance. As both applications were allowed in favour of Oriental Insurance, there appears no reason to challenge the State Commission's order. This Commission vide common order dated 15.11.2019 has already stayed further operation of the State Commission's order dated 25.10.2018 which was under execution. In light of the above, the present appeal execution may be dismissed, but the stay on State Commission's order should continue till disposal of First Appeal No. 341 of 2019 pending before this Commission.*

***Arguments by Respondent Ravinder Singh Kang:***

*None. Respondent appeared in person but did not make any submissions.*

***Court's Observations and Decision:***

*It is seen that the State Commission essentially allowed both applications moved by Oriental Insurance for preponing the hearing and keeping bailable warrants in abeyance. Thus, no cogent reasons exist to challenge the State Commission's order which allowed Oriental Insurance's own applications. By order dated 15.11.2019, this Commission has already stayed operation of the State Commission's order under execution dated 25.10.2018 till disposal of First Appeal No. 341 of 2019. Therefore, nothing really survives to be urged in the present appeal execution which may accordingly be dismissed. However, the stay on operation of State*

***Commission's order dated 25.10.2018 will continue till disposal of First Appeal No. 341 of 2019.***

***Sections:***

***Appeal Execution filed under Section 27A of Consumer Protection Act, 1986.***

***Court's Orders:***

***1. Present Appeal Execution No. 59 of 2019 is dismissed.***

***2. Operation of the State Commission's Order dated 25.10.2018 shall remain stayed till disposal of First Appeal No. 341 of 2019 pending before this Commission.***

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**Full Text of Judgment:**

1. This appeal (execution) has been filed under section 27A of the Act 1986 in challenge to the Order dated 21.06.2019 of the State Commission in execution no. 10 of 2019 in complaint no. 616 of 2018.
2. We have heard the learned senior counsel for the appellant (the judgement debtor(s) before the State Commission) and the respondent (the decree holder before the State Commission) in person and have perused the record.
3. A reading of the impugned Order dated 21.06.2019 shows that an application bearing no. 1149 of 2019 filed by the judgment debtor(s) for preponing the hearing was allowed by the State Commission and the matter was heard the same day and thereafter another application bearing no. 1150 of 2019 filed by the judgment debtor(s) for recalling bailable warrants issued earlier on 11.06.2019 was considered and the bailable warrants were ordered to be kept in abeyance till the next date of hearing and it was also further ordered that if the same had been issued by then the same may be recalled. We thus

notice that both applications of the judgment debtor(s) were essentially allowed by the State Commission and as such we discern no good or cogent reason for challenge to the State Commission's Order particularly when the judgment debtor(s) are free to raise all their issues and contentions and make all their submissions in respect of any incidental issue(s) before the State Commission in the normal course.

4. Learned senior counsel submits that vide this Commission's common Order dated 15.11.2019 passed in the present appeal (execution) no. 59 of 2019 together with the first appeal no. 341 of 2019 the further operation of the Order dated 25.10.2018 of the State Commission which was under execution in the execution proceedings before the State Commission and which is under challenge in first appeal no. 341 of 2019 before this Commission had been stayed till the disposal of both cases. He fairly submits that there is therefore no reason now to press the present appeal (execution) any further and the same may be dismissed but requests that it may be made clear that after dismissal of this present appeal (execution) the operation of the Order dated 25.10.2018 of the State Commission will continue to remain stayed till the disposal of first appeal no. 341 of 2019.

5. In the light of the above, the present appeal (execution) no. 59 of 2019 is dismissed. It is simultaneously made explicit that the operation of the Order dated 25.10.2018 of the State Commission shall remain stayed till the disposal of first appeal no. 341 of 2019.

6. The Registry is requested to send a copy each of this Order to the parties in the appeal and to their learned counsel as well as to the State Commission immediately. The stenographer is requested to upload this Order onthe website of this Commission immediately.