

Deepti Sharma Vs Lomas Bai And Ors

Court: Chhattisgarh High Court

Date of Decision: July 19, 2018

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Hamida Siddiqui

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. The present petition is filed against the order dated 23.06.2018, whereby the application filed by the respondents for sending jail to the judgment

debtor was allowed. The award in a compensation was passed in favour of claimants on 24.01.2015.

3. Learned counsel for the petitioner submits that without service of the summons/notice and attachment warrant, directly the Court has directed for

arrest warrant, which cannot be passed. She further submits that the petitioner is a lady having two kids and residing separately, therefore, the order

impugned may be set aside.

4. Perusal of the order and the documents shows that an award was passed on 24.01.2015, wherein an amount of Rs.6,32,500/- was directed to be

deposited and the petitioner herein was jointly held liable to pay the compensation as the owner of the offending vehicle bearing registration No.CG-

04-ZA-7682. Considering the background of this case and the past record that service was being availed by petitioner, at this stage, it is directed that

the petitioner shall furnish before the Court below particulars of all the movable and immovable properties held by her, which in turn may allow the

Court to attach the same. The petitioner shall further be obliged to deposit an amount of Rs.1,50,000/- within a period of 15 days from today. In such

eventuality on compliance of aforesaid directions, the execution of the arrest warrant shall remain stayed. It is further directed that the particulars of

the property held by the petitioner on having been furnished before the Court, the Claims Tribunal shall proceed accordingly for attachment and sale of

the other movable and immovable property of the petitioner. The claimants shall be entitled to receive the amount so deposited by the petitioner

according to the award dated 24.01.2015.

5. With such observation, the petition stands disposed of.