

Smt. Kusum Rani Vs Motor Accident Claims Tribunal

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 13, 2007

Citation: (2007) 4 PLR 625 : (2007) 4 RCR(Civil) 248

Hon'ble Judges: Permod Kohli, J

Bench: Single Bench

Judgement

Permod Kohli, J.

This revision is against the order dated 02.09.2006 passed by the Motor Accident Claims Tribunal, Moga in Execution

No. 1 of 2006. It is admitted case of the parties that an award of Rs. 7,10,000/- was passed by the Motor Accident Claims Tribunal, Moga,

bearing interest @ 9%. It is also not in dispute that Insurance Company and also the claimants have filed the appeals against the award dated

16.11.2005 passed by the Tribunal before this Court and the appeals are still pending. However, no interim directions have been issued by this

Court. There being no stay of Tribunal's judgment by this Court, the claimants initiated proceedings for execution of the award. During the

execution proceedings, the Tribunal vide its order dated 02.06.2006 ordered the Insurance Company to pay Rs. 5,00,000/- to the claimants

within 20 days. It is admitted on behalf of the claimants-petitioners that the amount of Rs. 5,00,000/- has been received by the claimants. Tribunal

without proceeding further in the execution for recovery of the rest of the awarded amount passed the impugned order dismissing the execution

being partly satisfied.

2. I fail to understand the propriety of this order. Once an appeal is filed and award has not been stayed by any competent Court, it was the duty

of the Tribunal to execute the award in its entirety. Why the Tribunal has declined to execute the award to its entire satisfaction is not forthcoming

from the impugned order. The order is erroneous and is liable to be set aside.

3. I accordingly set aside the order and direct the Tribunal to proceed with the execution till the award is satisfied. However, the execution of

award will remain subject to the outcome of the appeals pending before this Court.