

(2012) 11 P&H CK 0091

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 1780 of 2012

Himachal Road Transport
Corporation

APPELLANT

Vs

Harmohinder Singh and Others

RESPONDENT

Date of Decision: Nov. 23, 2012

Acts Referred:

- Constitution of India, 1950 - Article 227
- Motor Vehicles Act, 1988 - Section 166

Citation: (2013) 169 PLR 520

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: Ravinder Arora, for the Appellant; Aman Sharma for Respondent Nos. 1 and 2, for the Respondent

Final Decision: Allowed

Judgement

L.N. Mittal, J.

Order dated 7.3.2012 passed by learned Motor Accident Claims Tribunal, Chandigarh (in short, the Tribunal) is under challenge in this revision petition filed under Article 227 of the Constitution of India. Respondents no. 1 and 2/claimants filed claim petition u/s 166 of the Motor Vehicles Act for grant of compensation on account of death of their father caused in a motor vehicular accident by the vehicle of Himachal Road Transport Corporation (petitioner herein-respondent no. 2 in the claim petition). The vehicle was being driven by Bachan Dass respondent no. 3 herein (respondent no. 1 in the claim petition). The Tribunal vide award dated 21.5.2007 awarded Rs. 1,60,000/- as compensation along with interest @ 7.5% per annum from the date of filing of claim petition till recovery.

2. The petitioner herein deposited the awarded amount with the Tribunal on 5.11.2007. Claimants filed execution petition in August, 2008. Nazir of the Court

made wrong report that the amount had not been deposited by the petitioner herein.

3. The Tribunal vide impugned order dated 7.3.2012 has directed the petitioner herein to pay interest on the compensation amount since 4.11.2007 (the date of deposit) till 25.2.2012 when the deposit was brought to the notice of the decree holders. The said order is under challenge in the instant revision petition.

4. I have heard learned counsel for the parties and perused the case file.

5. Counsel for the petitioner contended that the petitioner had made deposit of the awarded amount after intimating Mr. Jatinder Verma, Advocate-counsel for the claimants and therefore, the petitioner is not liable to pay interest since after the date of deposit i.e. since after 5.11.2007.

6. On the other hand, counsel for the claimants contended that Mr. Jatinder Verma, Advocate was not the counsel for the claimants either in the claim petition or in the execution petition and therefore, intimation to Mr. Verma was no intimation to the decree holders and on the amount being deposited without intimation to the decree holders, liability of the petitioner herein to pay interest did not cease. It was also pointed out that the deposit was made by the petitioner under a wrong head.

7. I have carefully considered the rival contentions. As regards contention of counsel for the petitioner that deposit was made after intimation to Mr. Jatinder Verma, Advocate, the same cannot be accepted because admittedly Mr. Jatinder Verma was not counsel for the claimants either in the claim petition or in the execution petition. Counsel for the petitioner is unable to say that Mr. Verma was associate advocate of Mr. SS Rana, Advocate who represented the claimants in the claim petition. Consequently, alleged intimation to Mr. Verma was no intimation to the decree holders. Therefore, the liability of the petitioner herein to pay interest on the awarded amount did not cease with the deposit of the amount on 5.11.2007.

8. However, after execution petition was filed, Nazir made wrong report that the amount had not been deposited. For the fault of the Nazir, the petitioner cannot be penalized. Consequently, interest liability of the petitioner ceased from the date the Nazir made wrong report regarding non deposit of the amount because if the Nazir had made correct report, deposit would have come to the notice of the decree holders and interest liability of the petitioner would have come to an end. For alleged wrong head of the deposit also, the petitioner cannot be held liable because the Tribunal should have ensured that the deposit was made under the correct head. The deposit is made after obtaining appropriate order from the Tribunal. Consequently, for alleged wrong head under which the deposit was got made by the Tribunal, the petitioner cannot be penalized with interest.

9. In the aforesaid circumstances, I find that petitioner is liable to pay interest on the awarded amount of compensation even since after 5.11.2007 (the date of deposit)

till the Nazir made wrong report about non deposit of the amount (date to be verified by the Tribunal). However, since thereafter, the petitioner is not liable to pay interest on the compensation amount. The impugned order of the Tribunal is thus partly erroneous and illegal and suffers from jurisdictional error to this extent. The revision petition is, therefore, allowed partly. Impugned order passed by the Tribunal is modified. The petitioner is held liable to pay interest on the compensation amount at the rate mentioned in the award till the date the Nazir made wrong report regarding non-deposit of the amount and not thereafter.