

(2010) 11 P&H CK 0649

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 7705 of 2010 (O and M)

Subhash and Another

APPELLANT

Vs

Hardev Singh and
Another

RESPONDENT

Date of Decision: Nov. 26, 2010

Citation: (2010) 11 P&H CK 0649

Hon'ble Judges: Hemant Gupta, J

Bench: Single Bench

Judgement

Hemant Gupta, J.

Challenge in the present revision petition is to an order passed by the learned Executing Court on 03.11.2010, whereby the attached property was ordered to be put to auction in order to recover a sum of Rs. 2,72,000/-.

2. Hardev Singh-Respondent No. 1 filed an application for grant of compensation on account of injuries sustained by him in an accident, which took place on 26.03.2004. Learned Motor Accident Claims Tribunal has awarded a sum of Rs. 5,14,666/-against Respondent Nos. 1 to 3 jointly and severally alongwith interest at the rate of 9% per annum. The present Petitioners are, in fact, Respondent Nos. 2 & 3 i.e. owners of the offending vehicle.

3. The argument of the learned Counsel for the Petitioners is that the Petitioners have deposited 2/3rd amount of compensation, therefore, the remaining amount of compensation is to be deposited by the driver of the vehicle i.e. Respondent No. 2 herein.

4. I do not find any merit in the argument raised by the learned Counsel for the Petitioner. A perusal of the Award passed by the learned Motor Accident Claims Tribunal shows that the liability of the Respondents is joint and several. By virtue of the said Award, it is open to the decree-holder to recover the amount awarded individually from any of the judgment debtors. It is for the judgment debtors, amongst themselves, to apportion it in the manner

which they may think appropriate.

5. In view of the above, I do not find any patent illegality or irregularity in the order passed by the learned Executing Court, which may warrant any interference in the revisional jurisdiction of this Court.

6. Faced with the situation, learned Counsel for the Petitioners seeks some time to deposit the balance decretal amount. It is open to the Petitioners to move an appropriate application before the learned Executing Court to seek time for deposit of the balance decretal amount.

7. With the said observations, the present revision petition stands disposed of.