

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5813 of 2004 (O&M)

Date of decision: 18.06.2015

Dharamjit kaur

... Petitioners

versus

MACT, Patiala and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Y.S. Turka, Advocate for the petitioners.

Mr. Tanmoy Gupta, Advocate for

Ms. Suman Jain, Adavocate for respondent Nos. 4.

K.Kannan, J.

The revision is against the order in execution wherein the execution petition filed for realization of the award passed by the Motor Accident Claim Tribunal (in short 'MACT'), the petitioner was claiming for the counsel fee to be drawn in terms of the Punjab and Haryana High Court Rules for determination of counsel fee for money claims. The petitioner would liken the claim for compensation before the MACT as falling within the Category of claims made under Chapter XVI Part 'A' and 'B' Volume I, Punjab and Haryana High Court Rules. The Legal Practitioners Act, 1979, allows for framing of rules by the respective High Courts for determination of lawyer's fee. The rules do not stipulate any particular scale for MACT cases. It only prescribes fees in suits for recovery of money under Clause I Part 'B' Chapter XVI of the relevant rules. MACT cannot treated as the Court and the petition for compensation cannot also be treated as the suit for recovery of money. There is no scope for applying the relevant rules for taxing the respondent with the fee of the lawyer as claimable in a suit. The Executing Court has allowed only ₹ 500/- as lawyer's fee in the execution petition which in my view is appropriate and just and calls for no intervention. This particularly so in view of the fact that the

amount awarded itself does not stipulate any particular amount as the lawyer's fee while passing the award. The fee in execution shall be 1/4th of the fee awarded in the main case. If there is no particular determination of fee payable in the award, a provision for lawyer's fee as ₹ 500/- in execution was just and proper.

I will find no scope for intervention. The civil revision petition is dismissed.

18.06.2015
kv

(K.KANNAN)
JUDGE