

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5369 of 2015 (O/M)
Date of decision : 21.8.2015

Mahabir and another

..... Revisionist

Versus

Oriental Insurance Company Limited

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajit Sihag, Advocate, for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-. -

-. -

KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 19.5.2015, passed by the Motor Accident Claims Tribunal, Bhiwani (in short 'the Tribunal'), vide which it was held that the decree holders are not entitled to any interest.

The brief facts of the case are that on 27.3.2014, this Court, while disposing of FAO No. 533 of 2012 titled as Mahabir and

CR No. 5369 of 2015 (O/M)

-2-

another Versus Sukhbir Singh and others, pertaining to motor accident case, enhanced the compensation to the tune of Rs. 5,86,000/- over and above the amount already awarded by the Tribunal. It was further directed that the enhanced amount is payable within 45 days from the date of receipt of certified copy of the judgment, failing which the claimants shall also be entitled to interest at the rate of 7.5% per annum from the date of filing of the appeal till its realization.

The contention of the learned counsel for the revisionist is that the amount was not deposited within 45 days from the date of receipt of certified copy of the judgment. The copy of the impugned order shows that though the order was passed on 27.3.2014, but the JD applied for the copy after 11 days i.e. on 7.4.2014. The same was supplied to him on 10.7.2014. The amount was deposited on 13.8.2014 i.e. within 45 days from the date of receipt of certified copy of the judgment. The plea of the learned counsel for the revisionist is that the copy was applied 11 days late. Therefore, this time should be included while computing the period.

I am of the view that here the Limitation Act is not to be applied. The matter is governed by the order passed by this Court on 27.3.2014 in FAO No. 533 of 2012. No time frame was given in the said order as to when the copy is to be applied for. Therefore, the copy was applied within a reasonable time. Therefore, whenever

CR No. 5369 of 2015 (O/M)

the copy was received, the amount was deposited within 45 days from the date of receipt of certified copy of the judgment. As such, there is no illegality in the impugned order.

The revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

21.8.2015
sjks