

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2802 of 2016 (O&M)
Date of decision:23.04.2016

Sukhpal Kaur and another

... Petitioners

Vs.

Motor Accident Claims Tribunal Patiala & another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Ms. Monika Jalota, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The claimants are in revision petition against the order dated 07.04.2016 (Annexure P-2), whereby, the Motor Accident Claims Tribunal has gone beyond the award dated 24.11.2015 and called upon the petitioners to furnish the indemnity bonds double the amount to be released to them.

Ms. Monika Jalota, learned counsel appearing on behalf of the petitioner-claimants submits that in pursuance to the award dated 24.11.2015, the claimants have been held entitled to compensation of ₹11,21,064/- along with interest @ 9% per annum in equal shares. However, on depositing of the amount by the Insurance Company, MACT has imposed the aforementioned condition.

I have heard learned counsel for the petitioner-claimants and appraised the paper book and of the view that the order under challenge is not sustainable, for the reason that once the claimants, who, have already undergone agony of protracted trial in claiming compensation on account of injury suffered in an accident and the disbursement of legitimate claim is not a bonanza, whereby, MACT had an occasion to impose the condition of furnishing the indemnity bonds. At the best, the claimants could have been asked to furnish their identity.

It is a matter of record that claimants did not have sufficient amount to furnish the indemnity bond but they shall be producing the evidence on record to show their identity that they are the same persons, who, had actually filed the claim petition. I am in agreement with the aforementioned submissions. Accordingly, the order under challenge is hereby set aside. MACT is directed to give opportunity to the claimants to prove that they are the same persons in whose favour the award has been passed. Accordingly, the compensation shall be released without imposing any condition of indemnity bond.

With the aforementioned observations, the impugned order is set aside. Revision petition is disposed of.

(AMIT RAWAL)
JUDGE

April 23, 2016
savita