

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2856 of 2016 (O&M)

Date of decision:26.09.2016

Rajasthan State Road Transport Corporation

... Petitioner

Vs.

Sita Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

Mr. Subhash Godara, Advocate
for respondents No.1 to 6.

AMIT RAWAL J. (Oral)

Both the learned counsel for the parties are *ad idem* that instead of pondering upon the merits of the present revision petition and as well as, the impugned order, according to the learned counsel for the petitioner-judgment debtor, against an awarded amount of ₹4,56,000/-, petitioner had already made payment of approximately ₹9,00,000/- and still the Court below passed the impugned order that petitioner is still liable to pay a sum of ₹2,33,418.62 which is not in consonance with the award dated 01.12.1996. In fact, the dispute is regarding the calculation of interest on the awarded amount of compensation.

I am of the view that in order to settle the controversy between the parties to the lis, let the Senior Accountant of the petitioner and Civil Nazir attached to the District Court, sit together and undertake the

exercise of calculation and thereafter, submit the same before the Court below. Such exercise shall not be subject to any objection. The same shall be binding upon both the parties. In case, there is any discord between the Civil Nazir and Senior Accountant, both the parties are at liberty to submit different calculation and thereafter, the trial Court shall decide the execution application, in accordance with law.

It has been pointed out by the learned counsel for the claimants that the petitioner has challenged the award of MACT, vide FAO No.2524 of 1996 and deposited a sum of ₹25,000/-, vide cheque No.471021 dated 18.04.2016 and if the amount aforesaid, has not been forwarded to the Executing Court, the same may be ordered to be released.

In view of the aforementioned, I am of the view that in case, the aforesaid amount stated to have been deposited, is not released, the same is ordered to be released for onward transmission to the concerned MACT.

In view of the aforementioned observations, the impugned order is set aside and the matter is remitted back to the trial Court to do the exercise as indicated above.

Accordingly, revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 26, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No