

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3419 of 2016 (O&M)
Date of decision:16.05.2016

Subhash Ghosh and others

... Petitioners

Vs.

Sh. Rikoo @ Harpreet Singh @ Happy and others ... 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:- Mr. Ashwani Arora, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-claimants are aggrieved of the impugned order dated 12.02.2016 (Annexure P-3) of the Executing Court, whereby, in pursuance to the order passed by this Court dated 04.02.2015 in FAO No.3321 of 2013, the amount of compensation had been deposited subject to furnishing of indemnity and surety bond.

Mr. Ashwani Arora, learned counsel appearing on behalf of the petitioner-claimants submits that original award dated 02.05.2013 did not envisage any such condition. The Executing Court travelled beyond such directions and impugned order qua imposition of condition is liable to be modified owing to the

enhancement as noticed above and condition of surety bond is not feasible term but an onerous one.

I have heard learned counsel for the petitioner-claimants and appraised the paper book and of the view that once the compensation awarded by the MACT has been enhanced by this Court vide order dated 04.02.2015, *ibid*, as per their respective shares, claimants are entitled to withdraw the same and the trial Court ought not to have imposed the condition of furnishing of surety bond and ought to have asked for proof of identification as the claimants have already suffered a lot and imposition of such condition, in my view, is the aggravation of the agony already suffered.

In view of the aforementioned observations, impugned order qua imposition of surety bond is hereby set aside and the petitioner-claimants are directed to furnish the indemnity bond along with proof of identity while withdrawing the enhanced compensation.

Accordingly, revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 16, 2016
savita