

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6026 of 2016 (O&M)

Date of decision:29.09.2016

Ambika and others

... Petitioners

Vs.

Bhopal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Nitin Mittal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Petitioner-claimants are aggrieved of the imposition of condition of furnishing surety bond.

Mr. Nitin Mittal, learned counsel for the petitioners submits that vide award dated 3.7.2015, compensation to the tune of ₹36,67,500/- was awarded. The said amount contained element of interest. A sum of ₹42,81,229/- has been deposited, but the Executing Court has imposed a condition of furnishing of surety bond over and above the amount. He submits that there is no such condition in the main award. He submits that the condition of furnishing of surety bond is onerous as the award did not indicate anything of such sort.

I have heard learned counsel for the petitioners and appraised the paper book.

In my view, at the best the petitioner-claimants should have

been ordered to furnish indemnity bond instead of surety bond as she has already suffered a lot owing to the demise of her husband. The whole idea in awarding the compensation is to mitigate the agony qua the loss of the loved ones. Putting of such condition is adding a fuel to the fire. In my view, at the best, the Court should have ordered for release of the amount of compensation subject to furnishing of indemnity bond instead of surety bond.

Accordingly, the impugned order is modified. The releasing of amount of compensation shall be subject to furnishing of indemnity bond only and there shall be no condition of surety bond.

Revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 29, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No