

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on: 10.11.2016

1. CR No.6984 of 2016 (O&M)

The New India Assurance Company Limited	Petitioner
Versus	
Mohinder Kaur and others	Respondents

2. CR No.6997 of 2016 (O&M)

The New India Assurance Company Limited	Petitioner
Versus	
Karnail Kaur and others	Respondents

3. CR No.7095 of 2016 (O&M)

The New India Assurance Company Limited	Petitioner
Versus	
Satnam Singh and others	Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Vinod Gupta, Advocates
for the petitioner (in all the petitions)

REKHA MITTAL, J.

This order will dispose of CR Nos.6984, 6997 and 7095 of 2016 filed by the New India Assurance Company Limited as identical questions of law and fact are involved for adjudication. For brevity, facts are taken from CR No.6984 of 2016 captioned "*The New India Assurance Company Limited vs Mahinder Kaur and others.*"

The sole grievance of the petitioner is that as per award dated 04.12.2014 passed by the Motor Accidents Claims Tribunal,

Patiala (in short 'the Tribunal'), insurance company was held liable to pay compensation to the claimants within two months from the date of award failing which the claimants being entitled to interest @ 6% per annum on the awarded amount. It is argued that as the insurance company was not made aware of a part of the order that it could avoid its liability to pay interest in case of payment of compensation within a period of two months and it learnt about the same only on 12.03.2015, date on which certified copy of the award was supplied to the insurance company by the Copying Agency and thereafter the amount was deposited on 23.03.2015 within ten days of receipt of certified copy, the Executing Court (the Tribunal) has committed an error by holding that the decree-holder is entitled to interest @ 6% per annum from 23.04.2004 (date of petition) to 23.03.2015. Another submission made by counsel is that as the execution petition was consigned to records in view of the report submitted by the Nazar that the amount has been disbursed to the decree-holders, the Executing Court is not empowered to review its order and issue directions for payment of interest for the aforesaid period.

I have heard counsel for the petitioner, perused the paperbook particularly the award passed by the Tribunal and the order impugned.

Be that as it may, it is an admitted position of the case that as per the award passed by the Tribunal, the respondents – JDs could pay compensation assessed by the Tribunal without interest had it been paid within a period of two months from 04.12.2014. It is also undenied

that the insurance company has not paid/deposited compensation within the stipulated period of two months that stood expired on 03/04.02.2015. Plea of the petitioner that the insurance company was not aware of the aforesaid stipulation in the award or the same was not pronounced by the Court cannot be accepted as sanctity is attached to judicial proceedings/orders. This apart, as the Tribunal had decided to give a concession to the judgment-debtors, there was no reason to keep it a secret. In this view of the matter, no fault can be found in the order impugned holding the JDs liable to pay interest @ 6% per annum from the date of petition till realization. Even otherwise, there is no justification to deprive the claimants of interest on the amount which became due and payable on 23.04.2004 almost ten years prior to the award passed by the Tribunal. The Tribunal has not assigned any reason to deny the claimants of benefit of interest.

So far as the plea with regard to competence of the Tribunal to review its order, there is nothing on record suggestive of the fact that execution petition was dismissed as fully satisfied. Examined from any angle, I do not find any reason to interfere in the impugned order.

For the foregoing reasons, the petitions fail and are accordingly dismissed *in limine*. No order as to costs.

10.11.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No