

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

**FAO No. 6166 of 2013(O&M)
Date of decision :17.11.2016**

Sandeep and others

.....Appellants

Versus

Smt. Tina and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Rajbir Sehrawat, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
and Ms. Vandana Malhotra, Advocate
for the respondent no.5.

DARSHAN SINGH, J. (Oral)

Learned counsel for the appellants contended that in the impugned Award dated 11.10.2010, the respondent-insurance company has been authorised to recover the awarded amount from the insured by filing the separate suit. But, the respondent-insurance company has not filed any separate suit and has directly filed the execution petition on the basis of this very Award and the learned Executing Court is wrongly executing the Award against the appellants.

2. Learned counsel for the appellants contended that the present appeal may be disposed of with liberty to the appellant-insured to move the objection petition before the learned Executing Court to bring it to its notice that the award cannot be executed against the appellants as the respondent-

insurance company was required to file the separate suit as observed by the learned Tribunal in the Award.

3. The aforesaid factual position could not be disputed by learned counsel for respondent-insurance company in view of the terms of the award. The learned Executing Court was also duty bound to at least peruse the award before proceeding further with the execution.

4. So, the present appeal is hereby disposed of with liberty to the appellants to move the objection petition before the learned Executing Court, which shall be decided by the learned Executing Court in a judicious manner.

5. Till the decision of the objection petition, the warrants of arrest stated to be issued against the appellants shall remain in abeyance.

17.11.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No