

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3232 of 2017 (O&M)
Date of decision: 05.05.2017

Bharti AXA General Insurance Company Ltd.

... Petitioner

Vs.

Smt. Santosh Rawal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rajbir Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, at the hands of judgment-debtor, filed under Article 227 of the Constitution of India, is directed against the order dated 25.04.2017 passed by the learned executing Court, whereby the bank account of the petitioner was attached for non-payment of the decretal amount.

Heard learned counsel for the petitioner.

It is not in dispute that Motor Accident Claims Tribunal passed the award dated 07.10.2015 in favour of the claimants-respondents No.1 and 2 herein. Claimants/decreet-holders filed the execution application. It is also not in dispute that there is no stay order, passed by any higher Court on the abovesaid award dated 07.10.2015. In spite of the fact that there is no stay, petitioner-Insurance Company was trying to delay the payment, which is overdue in

favour of the claimants/decreed-holders. Having said that, this Court feels no hesitation to conclude that the learned executing Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

In fact, conduct of the petitioner has forced the learned executing Court to pass the impugned order. Had any intention been shown to release the payment in favour of the claimants, at the hands of the petitioner-Insurance Company, there would have been no occasion for the learned executing Court to pass the impugned order. When repeatedly asked during the course of hearing, as what was the justified reason not to release the payment in favour of the claimants, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. Under these undisputed facts and circumstances of the case noticed hereinabove, it can be safely concluded that the learned executing Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned executing Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order passed by the learned executing Court has been found duly supported by sound reasons and the same deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality has been found in the impugned order passed by the

learned executing Court, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

05.05.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No