

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

CR No. 3248 of 2017 (O&M)
Date of Decision: 08.09.2017

BHARTI AXA GENERAL INSURANCE CO. LTD.

-PETITIONER

VS

SAMSUDDIN & ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Ms. Meenakshi Sharma, Advocate, for
Mr. M.L. Sharma, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

On 05.05.2017, following order was passed by this

Court:-

“Inter-alia, learned counsel for the petitioner contends that as per Section 174 of Motor Vehicle Act, 1988, the recovery of the compensation amount arising out of an Award can only be effected by issuance of a certificate by the Executing Court to the Collector and then the Collector to proceed to recover the amount mentioned in the certificate, as arrears of land revenue.

Learned counsel for the petitioner further contends that no such procedure has been adopted by the learned Tribunal before issuance of warrants of attachment of the bank account of the petitioner-Insurance Company. To buttress his contention, learned counsel for the petitioner has placed reliance upon the judgment of High Court of Rajasthan rendered in the case of “The National Insurance Company Ltd. vs. Motor Accident Claims Tribunal, Ajmer & ors.” bearing Civil Misc. Writ Petition No.10902 of 2008.

Notice of motion for 08.09.2017.

Meanwhile, the attached amount be not disbursed to the respondents.”

Learned counsel for the petitioner submits that respondent No.2 is only proforma respondent and service qua him be dispensed with at this stage.

Ordered accordingly.

Learned counsel for respondent No.1 submits that the prayer of the petitioner made herein be accepted and the case be remanded to the Executing Court to comply with Section 174 of the Motor Vehicles Act.

In view of above, order dated 10.04.2017 is set aside.

The Executing Court shall proceed to comply with the provisions in terms of Section 174 of the Motor Vehicles Act in accordance with law.

Disposed of.

08.09.2017
jjyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No