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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 332/2016 & C.M. 13074/2016

DISTRICT COLLECTOR (DISTRICT NORTH) & ANR.

..... Petitioners

Through: Mr. J.M. Kalia & Ms. Bhawna
Garg, Advocates

Versus

MAYA DEVI & ORS.

..... Respondents

Through: Mr. D. Singh & Mr. Amit Goel,
Advocate for respondents No.1 to
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CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
15.03.2017

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1. In execution proceedings, vide impugned order of 16th November, 2015, Chief Secretary of NCT of Delhi has been directed to pay the awarded amount with interest in relation to an Award passed pertaining to a road accident which took place way back on 12th March, 2011. The challenge to the impugned order by District Collector concerned and statutory authority in the Revenue Recovery Act, 1890 is on the ground that there is no provision in the *Motor Vehicles Act, 1988* which empowers the Executing Court to issue such like directions.

2. While entertaining this petition, operation of the impugned order was stayed and opposite side was put to notice. Service is complete.

3. Upon hearing, it transpires that resort to Section 174 of *Motor*

Vehicles Act, 1988 was made by learned Motor Accident Claims Tribunal (henceforth referred to as the "*Tribunal*") in the first instance and this Court is apprised that a recovery certificate for the awarded amount was issued by the Executing Court against fifth respondent, who is the owner of vehicle in question but whereabouts of fifth respondent and his assets could not be known. During the course of hearing, this Court was informed of the fact that at last known address of fifth respondent, his mother is residing and she has told that she is not in touch with fifth respondent. It is always the endeavour of the Courts to ensure that the Award passed by learned Tribunal ought to be satisfied but it has to be done within the parameters of law. It is quite apparent that learned Tribunal has exceeded its jurisdiction in passing impugned order, as there is no provision of law which empowers the Executing Court or this Court for that matter, to issue such like directions, as has been issued by learned Executing Court.

4. In view of the aforesaid, impugned order is set aside with direction to learned Tribunal to ensure that provisions of Section 174 of *Motor Vehicles Act, 1988* is given its full meaning and all the endeavours are made to ensure that the Award stands satisfied. If need be, local police can be called upon to keep a vigil on the last known address of fifth respondent and to take steps to publicly declare that fifth respondent is a defaulter and every possible step should be taken to get the Award satisfied.

5. Learned Motor Accident Claims Tribunal be apprised of this Order forthwith to ensure its compliance.

6. With aforesaid directions, this petition and application are disposed of.

(SUNIL GAUR)
JUDGE

MARCH 15, 2017
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