

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

**CR No.1923 of 2018  
Date of Decision :17.07.2018**

**Delhi Assam Roadways Corporation Ltd.**

**...Petitioner**

**VERSUS**

**United India Insurance Co. Ltd.**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Rose Gupta, Advocate for the petitioner.

Mr. Parveen Kumar, Advocate for  
Mr. Harsh Aggarwal, Advocate for the respondent.

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**B.S. WALIA, JUDGE (ORAL).**

1. Prayer in the revision petition under Article 227 of the Constitution of India is for the setting aside of order dated 20.01.2018 passed by the learned Civil Judge (Jr. Division), Bahadurgarh (Annexure P-4) whereby application dated 20.01.2018 (Annexure P-3) filed by the petitioner for release of amount deposited by the judgment-debtor pursuant to order dated 20.10.2015 passed in RSA No.2364 of 2015 was dismissed.

2. Learned counsel contends that this court, vide order dated 20.10.2015 in RSA No.2364 of 2015 filed by the Insurance Company, while issuing notice of motion, ordered, that in case execution petition was filed by the respondent-petitioner, then on deposit of 75% of the substandard claim as assessed by the Surveyor of the Insurance Company, recovery of the remaining amount would remain stayed. Regular second appeal is stated to be pending adjudication.

Learned counsel further states that an application was filed by the petitioner for release of the amount deposited by the judgment-debtor in terms of the order of this Court dated 20.10.2015 in RSA No.2364 of 2015. The application was opposed by the respondent-Insurance Company whereupon the learned Civil Judge (Jr. Division), Bahadurgarh while taking note of the order of this Court dated 20.10.2015 in RSA No.2364 of 2015 observed that the said order had been complied with on deposit of cheque No.005491 for Rs.9,70,796/-. The cheque was taken on record by the Civil Judge (Jr. Division), Bahadurgarh vide order dated 25.03.2016 but the amount for which the cheque had been submitted was not released on the ground that there was no mention for release of the amount in order dated 20.10.2015.

Learned counsel for the petitioner contends that a perusal of the order of this Court dated 20.10.2015 in RSA No.2364 of 2015 reveals that the respondent Insurance Company was directed to deposit 75% of the substandard claim assessed by its surveyor and on the same being done, recovery of the remaining amount was to remain stayed. Learned counsel further contends that the petitioner would be satisfied if instead of payment being made to it at this stage, the cheque, instead of being kept on the file, be deposited in a FD bearing maximum interest. Learned counsel appearing on behalf of the respondent-Insurance Company on obtaining telephonic instructions from the concerned officer states that the respondent Insurance Company has no objection to the aforementioned course of action being adopted.

4. In the aforementioned circumstances, the revision petition is disposed of by directing the respondent-Insurance Company to furnish a fresh cheque before the learned Civil Judge (Jr. Division), Bahadurgarh within four weeks from

the date of receipt of certified copy of this order for the amount for which the earlier cheque was issued. The same on presentation would be deposited by the Nazir of the Executing Court i.e. Civil Judge (Jr. Division), Bahadurgarh in a nationalized bank in FD carrying maximum rate of interest. The question of payment of amount in question as well as payment of interest thereon is left open to be raised by the petitioner before the appropriate court/forum.

**July 17, 2018**  
**ps**

**(B.S. WALIA)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |