

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2083 of 2018 (O&M)

Date of decision:28.03.2018

Charanjit Kaur

... Petitioner

Vs.

Reliance Insurance General Insurance Company Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Harparteek S.Sandhu, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Prayer in the present petition filed under Article 227 of the Constitution of India is for issuance of directions to the Executing Court for expeditious disposal of the execution application bearing No.1262 of 2016 filed on 01.12.2016 seeking execution of the award dated 03.09.2016 rendered by the Motor Accident Claims Tribunal, Patiala, whereby, compensation of ₹14,49,000/- alongwith interest @ 6% from the date of filing of claim petition till realization, was awarded but Insurance Company had been seeking adjournments and filed frivolous objection petition for deferring the execution application on the premise that FAO No.6165 of 2016 has been filed before this Court.

Mr. Harparteek S.Sandhu, learned counsel for the petitioner has drawn the attention of this Court to the order dated 17.10.2016 passed by this Court in FAO No.6165 of 2016 titled as Reliance General Insurance

Company Ltd. Vs. Charanjit Kaur and others, whereby, only notice of motion was issued to respondents No.5 and 6/claimants but there was no stay granted by this Court and therefore, the Executing Court cannot be permitted to adjourn the hearing of the execution application under the garb of pending FAO aforementioned as it tantamounts to staying the execution of the award.

I have heard the learned counsel for the petitioner and appraised the paper book.

The passing of award dated 03.09.2016, much less order dated 17.10.2016 are not in controversy. However, the orders of the Executing Court dated 11.05.2017, 15.05.2017, 31.05.2017, 21.07.2017 and 11.12.2017 read as under:-

11.05.2017

*Present: Sh.Surinder Gupta, counsel for claimants/decreed holders.
Sh. Amit Gupta, counsel for respondent-Insurance Company.*

Heard on the objection petition. The sole objection taken by the Insurance Company has challenged the award in the Hon'ble High Court. However, learned counsel for the respondent-Insurance Company admitted that no stay order has been passed by Hon'ble High Court in this case. He has further submitted that as per the information no stay order has been passed by Hon'ble High Court in the said FAO. He seeks some short date to furnish specific information in this regard.

Information be supplied on 15.05.2017.

(Sanjiv Berry)

M.A.C.T., Patiala.”

15.05.2017

*Present: Sh.Surinder Gupta, counsel for claimants/decreed holders.
Sh. Amit Gupta, counsel for respondent-Insurance Company.*

Learned counsel for the respondent-Insurance Company stated at the bar that next date fixed in the FAO in the Hon'ble High Court is 19.05.2017. Now to come up on 31.05.2017 for producing the copy of order.

(Sanjiv Berry)

M.A.C.T., Patiala.”

31.05.2017

*Present: Sh.Surinder Gupta, counsel for claimants/decreed holders.
Sh. Amit Gupta, counsel for respondent-Insurance Company.*

Further orders not received from the Hon'ble High Court. As per copy of order downloaded by the Reader of this Court from the official website of Hon'ble High Court, the FAO is fixed for 06.12.2017. Now to come up on 21.07.2017 for awaiting further orders from the Hon'ble High Court.

(Sanjiv Berry)

M.A.C.T., Patiala.”

21.07.2017

Present: Sh.Surinder Gupta, counsel for claimants/decreed holders.

Sh. Amit Gupta, counsel for respondent-Insurance Company.

Further orders not received from the Hon'ble High Court. As per copy of order downloaded by the Reader of this Court from the official website of Hon'ble High Court, the FAO is fixed for 06.12.2017. Now to come up on 11.12.2017 for awaiting further orders from the Hon'ble High Court.

*(Sanjiv Berry)
M.A.C.T., Patiala.”*

11.12.2017

*Present: Sh.Surinder Gupta, counsel for claimants/decreed holders.
Sh. Amit Gupta, counsel for respondent-Insurance Company.*

No further orders received from the Hon'ble High Court. As per status report downloaded by the office from the official website of Hon'ble High Court, the matter is still pending there and is fixed for 23.04.2018. Now to come up on 30.04.2018 for awaiting further orders.

*(Sanjiv Berry)
M.A.C.T., Patiala.”*

The aforementioned orders did not suffice the requirement of law, for, there was no occasion for the Executing Court to adjourn the hearing of the application again and again as there was no stay granted by this Court in aforementioned FAO and cannot be permitted to perpetuate the illegality by coming out with lame excuse of pending FAO.

I am of the view that Executing Court should not scumb to the request of the Insurance Company as whole idea of awarding the compensation to the affected party is frustrated.

In view of the aforementioned observations of mine, the present revision petition is disposed of with a direction to the Executing Court to decide the execution application bearing No. 1262 of 2016 as expeditiously as possible.

March 28, 2018

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(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No