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

+ CM(M) 1073/2017 & C.M. 34970/2017

SACHIN GARG

..... Petitioner

Through: Ms. Shanta Devi Raman, Advocate

Versus

BABY RUKMANI AND ORS.

..... Respondents

Through: Mr. Sandeep Jha, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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04.07.2018

Impugned order of 12th July, 2017 directs petitioner, who is the owner of vehicle in question, to deposit a sum of ₹5,00,000/- by way of fixed deposit receipt while relying upon an order of 27th March, 2017 of this Court in W.P.(C) 8092/2016, *Santosh Kumar Jha Vs. The Deputy Labour Commissioner (South)* (Annexure P-5).

Learned counsel for petitioner submits that direction issued by the Motor Accident Claims Tribunal (*henceforth referred to as 'the Tribunal'*) to deposit ₹5,00,000/- is unjustified, as aforesaid order (Annexure P-5) relates to execution proceedings whereas in the instant case, the matter is now ripe for final hearing before the Tribunal.

Learned counsel for respondent-Insurer supports the impugned order and submits that the purport of the impugned order is to ensure that the award passed is executed.

Upon hearing and on perusal of impugned order as well as order (*Annexure P-5*), I find that the Tribunal has erred in relying upon order (*Annexure P-5*) while passing the impugned order, as Award has not been passed, whereas order (*Annexure P-5*) relates to post Award period i.e. execution proceedings. Thus, direction issued to petitioner to deposit ₹5,00,000/- is hereby set aside.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JULY 04, 2018

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