IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

232 CR **No. 3822 of 2016 (O&M)**
Date of Decision: 02.12.2019

Iqbal Singh Sidhu ......Petitioner

versus

New India Assurance Co. & Ors. ......Respondents

CORAM: HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. Vinod Gupta, Advocate
for the respondents.

***

SUDIP AHLUWALIA, J. (Oral)

These are three sets of revisions filed by the claimants as well as Insurance Company in which virtually an identical order, in three execution cases, filed on behalf of the claimants, were passed on 11.02.2016 vide Annexures P4/ P6.

The Insurance Company in its revision is aggrieved to the extent that the amounts already deposited by it, in compliance of directions passed by this Court in the bunch of 8 appeals, being FAO No.442 to 445 of 2000 and FAO No.3634 to 3637 of 1999, were not factored in while attaching the accounts of the Insurance Company. The exact amounts, so deposited by the Insurance Company, have been specified in Para 5 of each of its revisions/petition.

The claimants on the other hand are aggrieved that their execution applications were disposed off as having been been fully satisfied by the learned Court below without taking into account that they were also entitled to interest on the accumulated arrears for the period intervening during the pendency of the execution applications till the payments were actually disbursed in their favour on 27.08.2014.

There is logic in the submissions of both the sides, and clearly Ld. Court below has erred in not taking into account these factors before passing the impugned order (s).

The revision-petitions are, therefore, disposed off after setting aside the impugned order and with a direction upon the Ld. Court below to calculate exactly how much was the admissible amount inclusive of interest at the rate directed by this Court in the FAOs mentioned above till the date of actual realization, i.e., 27.08.2014, and from such amount, how much is to be deducted on account of the amount actually paid on behalf of the Insurance Company in compliance of the directions in the said FAOs, which are stated to be still lying deposited in this Court, though the appeals since stand disposed off.

In the circumstances, the Registrar concerned of this Court is directed to take appropriate steps to ensure that the amounts deposited on behalf of Insurance Company are remitted to the learned Executing Court after details of the same are supplied on behalf of the Insurance Company-petitioner.

Parties are directed to appear before the learned Executing Court on 13.01.2020.

2nd December 2019 **[SUDIP AHLUWALIA]**
manju **JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No