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

**CR-4356-2019 (O&M)
Date of Decision: 25.07.2019**

Manjit Kaur and others

..... Petitioners

Versus

Naresh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Ekta Thakur, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

CM-15260-CII-2019

Allowed as prayed for, subject to all just exceptions.

CM-15261-CII-2019

Applicants-petitioners are permitted to place on record copies of the award and judgment passed by the Ld. MACT, Chandigarh and this Court Annexures P-1 and P-2, respectively.

Application stands disposed off.

CR-4356-2019

The compensation claim filed on behalf of the petitioners was allowed by the Ld. Motor Accident Claims Tribunal, Chandigarh on 07.12.2013, vide its award Annexure P-1. Appeal preferred against the same was dismissed by this Court on 17.03.2015 (Annexure P-2) in execution. House of the respondent judgment-debtor was sought to be attached. He thereafter, approached this Court by filing CWP No.7554 of 2018, in which a Coordinate Bench passed an order on 26.03.2018 (Annexure P-1) staying

the execution proceedings, but granted liberty to the respondent to deposit an amount of ₹5 lacs only to show his *bona fide*.

2. The respondent, thereafter, deposited the said amount in the Ld. Court below and this Court, subsequently, on 10.10.2018 directed its release in favour of the petitioners, subject to final order in the main case. The Ld. Executing Court, vide its order dated 19.01.2019, permitted disbursement to the applicants but directed to furnish indemnity and surety bonds in lieu thereof, which is challenged on behalf of the petitioners.

3. In view of the nature of the order, this Court intends to pass, there is no need to issue any notice upon the respondent because the award against him has already attained finality. He only challenged attachment of his residential house which is the subject matter of the writ petition but the amount of ₹5 lacs deposited by him to show his *bona fide* is undoubtedly towards satisfaction of the claim of the petitioners/decreed-holders in the execution proceedings. To that extent, it was not necessary on the part of the Ld. Executing Court to burden the petitioners with the requirement of any indemnity and surety bonds. The revision petition is, therefore, disposed off after modifying the impugned order with a direction that the amount of ₹5 lacs deposited by the respondent may be released in favour of the petitioners forthwith without insisting on any further conditions.

25.07.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No