

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.770 of 2021

Date of Decision: 08.04.2021

Smt. Shanta Devi

.....Petitioner

VERSUS

Jai Bhagwan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.

Mr. Amrinder Singh, Advocate
for respondent No.3-Insurance Company.

ALKA SARIN, J.

Heard through video conferencing.

The present civil revision petition under Article 227 of the Constitution of India has been filed against order dated 07.03.2020 (Annexure P-3) whereby the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'MACT') has ordered that *"The enhanced compensation amount be released to the true applicant (claimant) in accordance with the original award dated 24.01.2013 passed by the Court of Sh. Ajay Kumar Jain, the then learned Motor Accident Claims Tribunal, Hisar as well as in pursuance of order dated 19.08.2019 passed in FAO No.1028 of 2013 by the Hon'ble High Court of Punjab & Haryana, Chandigarh, against proper receipt and identification"*.

Learned counsel for the petitioner has contended that the MACT has ordered that enhanced compensation be kept in a FDR which has been made for ten years and that the petitioner would face difficulties in

getting the FDR released and utilizing the amount invested. He has submitted that the petitioner is in dire need of the money and that she is being taken care of after borrowing money from her family and relatives. Counsel for the petitioner has prayed that that the amount invested in the FDR be released in favour of the petitioner.

Notice of motion was issued. The respondents Nos.2, 3 and 4 have been served while respondent No.1 has not been served. Since only the mode of investment of the enhanced amount of compensation is being assailed, the matter is being heard and decided.

I have heard learned counsel for the parties. The petitioner, who sustained 100% disability in an accident, had filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 which was accepted vide award dated 24.01.2013 (Annexure P-1). The MACT held the petitioner entitled to total compensation of ₹15,38,000/-. The award dated 24.01.2013 was challenged in this Court by respondent No.3 (insurance company) by filing FAO No.1028 of 2013. The petitioner filed cross-objections seeking enhancement of the amount of compensation. Vide judgement dated 19.08.2019 (Annexure P-2), this Court dismissed FAO No.1028 of 2013 and accepted the cross-objections filed by the petitioner. The amount of compensation was increased to ₹20,54,344/- i.e. an increase of ₹5,16,344/-. This Court in the judgement dated 19.08.2019 (Annexure P-3) *inter-alia* ordered that “*Perusal of the award would reveal that the Tribunal has not made any arrangement for investment of compensation allowed to the injured so that she can be properly looked after till she remains alive. The additional amount assessed by this Court shall be invested in fixed deposit. Interest accruing thereon shall be paid to the claimant*”.

The investment of the enhanced amount of compensation in a FDR by the MACT is in line with the judgement dated 19.08.2019 (Annexure P-2) passed by this Court wherein it has been ordered that the additional amount assessed by this Court shall be invested in a FDR and the interest accruing thereon be paid to the claimant. The FDR (Annexure P-4) is for ₹9,08,000/- in a monthly income scheme. Ordering any deviation in the mode of investment of the enhanced amount of compensation would tantamount to modification of the judgement dated 19.08.2019 (Annexure P-2). This Court, while exercising jurisdiction under Article 227 of the Constitution of India, cannot modify the judgement dated 19.08.2019 (Annexure P-2) delivered by this Court and that too in proceedings arising out of execution of that very judgement.

In view of the discussion above, this Court finds no merit in the present civil revision petition and the same is dismissed.

Dismissed.

(ALKA SARIN)
JUDGE

8th April, 2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO