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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1431-2022

Date of decision : 19.07.2022

Balbir Singh

...Petitioner

Vs.

Kaka Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunny Namdev, Advocate for the petitioner.

MANOJ BAJAJ, J.

Balbir Singh (petitioner) has filed this petition to challenge the order dated 23.11.2021 passed by Additional District Judge, Panipat, whereby his execution petition bearing No.304-2018 dated 15.05.2018 has been dismissed.

Learned counsel for the petitioner has argued that in a vehicular accident, the petitioner suffered injuries and filed claim petition before the Motor Accident Claims Tribunal, Panipat and a sum of Rs.40,626.60/- along with interest @ 15 % was awarded to him. He submits that though the said compensation was enhanced by this Court in his appeal bearing No. FAO-630 of 1995 decided on 23.08.2017 and compensation was enhanced to lump sum Rs.80,000/-. He submits that since the interest was not paid by the respondents, he preferred execution petition, but the same has been dismissed. He submits that the petitioner is entitled to the interest and impugned order be set aside.

After hearing learned counsel and considering the material on record, this Court finds that while deciding his appeal, this Court passed the

following order:-

“24. The Tribunal had already granted compensation to the tune of Rs. 40,626.60 paise along with interest at the rate of 15% per annum. This court, in order to reach at just and equitable compensation, while dealing with FAO No. 630 of 1995 filed by the claimant, has enhanced the amount of compensation to Rs 80,000/-. This amount has been arrived at by considering the fact that no proof regarding medical expenses and transportation etc. were produced. It has also been considered that the interest should have been awarded under Section 171 of the Motor Vehicles Act, 1988. In the facts and circumstances of the case, while awarding lump sum compensation, the matter regarding interest has been considered.”

The reading of the above clearly establishes that the element of interest was considered by this Court, but was not granted and the said decision was never further challenged by the petitioner, therefore, the decision of the appellate Court attained finality. Learned counsel is unable to justify his claim relating to interest as it was not awarded to him. A perusal of the impugned order shows that Executing Court has carefully examined the order under execution, while dismissing his execution.

Resultantly, no case is made out for interference.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.07.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No