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

CR-4056-2022

Date of decision : 22.09.2022

Vimla

...Petitioner

Vs.

Anuj and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Suman Jain, Advocate for the respondents.

MANOJ BAJAJ, J.

Petitioner (claimant) has filed this revision petition under Article 227 Constitution of India to challenge the order dated 06.09.2022 passed by Motor Accident Claims Tribunal, Chandigarh, whereby the application for release of the compensation deposited by the Insurance Company in compliance of the order dated 22.12.2021 passed by this Court in FAO No.3474 of 2021, was dismissed.

Learned counsel for the petitioner submits that the Motor Accident Claims Tribunal, Chandigarh vide award dated 20.08.2021 while accepting the claim petition had awarded compensation of Rs.11,28,400/- along with interest @ 7 ½ % p.a. He submits that the said award was challenged by the insurance company (respondent No.3) through FAO No.3474 of 2021, wherein this Court had issued notice to the respondents on 22.12.2021, subject to deposit of Rs.7 lacs out of the awarded amount and the same was deposited by insurance company. Thereafter, an application for release of Rs.7 lacs was moved by the claimant, however, same was dismissed vide impugned order dated

06.09.2022.

Notice of motion.

At this stage, Mr. Suman Jain, learned counsel on the asking of Court accepts notice on behalf of the respondent-insurance company and fairly states that this Court in appeal bearing No. FAO-3474-2021 filed by Insurance Company has not at all stayed the disbursement of compensation amount of Rs.7 lacs to the claimants. He does not oppose release of the amount of Rs.7 lacs in favour of the petitioner.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the approach adopted by the Motor Accident Claim Tribunal, Chandigarh in refusing to release the amount to the claimants is apparently erroneous, without any justification and it has deprived the claimant/petitioner to even receive Rs.7 lacs i.e. part of the awarded compensation, which stands deposited by Insurance Company pursuant to the direction dated 22.12.2021 by this Court. The order dated 22.12.2021 nowhere puts any embargo regarding release of this amount to the claimant, but the Motor Accident Claims Tribunal, Chandigarh construed it negatively, by observing that this Court has not ordered its release.

Resultantly, the revision petition is allowed and the impugned order dated 06.09.2022 is set aside and it is directed that the amount of Rs.7 lac along with the interest, if any accrued thereupon be released to the claimants forthwith.

(MANOJ BAJAJ)
JUDGE

22.09.2022
vanita

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