

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

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CR-4531-2022

Date of decision: 17.10.2022

Cholamandalam MS General Insurance Co. Ltd.

.....Petitioner

Versus

Baljinder Kaur @ Baljinder and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Punit Jain, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The insurance company is seeking setting aside of the orders dated 19.05.2022 (Annexure P-1) and 25.08.2022 (Annexure P-2) passed by the Executing Court, Patiala in execution filed by respondents No.1 to 4 in case titled as 'Baljinder Kaur @ Baljinder and others Vs. Panjab Singh and others' vide which attachment orders were issued to attach the bank account of the insurance company.

Learned counsel for the insurance company submits that the impugned order suffers from patent illegality and cannot be sustained in the light of settled principles of law. He submits that the Executing Court while passing the impugned orders failed to appreciate that the petitioner company had deposited the entire amount of compensation on 22.12.2017 i.e. within two months from the date of preparation of certified copy of the award. Therefore, the petitioner company was not liable to pay the interest amount. He further submits that since the petitioner company was neither provided with a certified copy of the award within time nor was the award pronounced in the open Court by the learned Motor Accidents Claims Tribunal, Patiala

(for short, 'the Tribunal'), the period of two months would, therefore, commence from the date of preparation of the copy of the award i.e. 28.10.2017. It has been urged by the learned counsel that the Executing Court while issuing the warrants of attachment of the bank account of the petitioner company, had acted in contravention of the provisions of Section 174 of the Motor Vehicles Act, 1988.

I have heard learned counsel and perused the relevant material on record.

The question which arises for consideration of this Court is, as to whether the petitioner company is liable to pay interest @ 6% on the amount of compensation or not?

The Tribunal in its award dated 12.10.2017 passed the following directions:-

“40. The respondents are directed to make the payment of the compensation amount to the claimants within a period of two months from today failing which the claimants shall be entitled to interest @ 6% per annum from the date of the claim petition till the actual realization of the amount.”

A perusal of the above reproduced directions makes it abundantly clear that the petitioner company would have been exempted from payment of interest amount on the compensation awarded, only if it had paid the amount of compensation to the claimants within a period of two months from “**today**”, i.e. the date of the award. Hence, the period of two months was to commence from the date of the award i.e. 12.10.2017 and was to continue only till 13.12.2017. However, it is a matter of record that the amount of compensation was deposited only on 22.12.2017 which is clearly beyond the stipulated two months' period given by the Tribunal.

The petitioner company has in fact come up with a highly unbelievable submission that it was not aware about the impugned award and still further it was only after they obtained a copy of the award, that they learnt about the condition imposed by the Tribunal qua payment of the compensation within two months from the date of the order. A perusal of the award (Annexure P-3) reveals that it was pronounced in open Court, thus, this Court is not inclined at all to accept the submissions made by learned counsel for the petitioner company that it was not aware about the directions given in the award. The petitioner company certainly cannot be allowed to interpret the award in a manner which serves its interest. The Executing Court is expected to execute the award in letter and spirit. Hence, the Executing Court cannot be faulted with for passing the impugned orders.

As a sequel to the above, the revision petition being devoid of any merit is dismissed.

17.10.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No