

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

109

**CR-8384-2018 (O&M)**  
**Date of decision: 02.12.2022**

**SMT. SINDERJEET AND OTHERS**

**..Petitioners**

**Versus**

**UNION OF INDIA AND ANOTHER**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Anutej Singh Barnala, Advocate  
for the petitioners.

None for respondents.

**ANIL KSHETARPAL, J(Oral)**

As per the office report, notices issued to both the respondents have been received back served, however, they remain unrepresented.

The claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the petitioner, was allowed on 19.01.1987. In the first appeal, the amount of compensation was enhanced. The question which arises for consideration is as to “Whether the respondents are liable to pay the amount with interest as ordered by the Tribunal or not?”

The operative part of the award passed by the Tribunal reads as under:-

*For the foregoing reasons, I hereby award compensation to the tune of Rs.77,000/- to Smt. Sinderjeet, Kumari Anu Reet, Kaka Tanvir minors Dalip Singh, and Jaswant Kaur petitioners. Out of the said compensation, Dalip Singh and Jaswant Kaur petitioners would be entitled to receive Rs.3,500/- each Dr. Sinderjeet petitioner would be entitled to receive Rs.3,500/- each Dr. Sinderjeet petitioner would be now entitled to received Rs.5,000/- on her own behalf, as she has already received Rs.15,000/- as compensation under Section 92-A of the Motor Vehicles Act and Rs.25,000/- each on behalf of her minor children Kumari Anu Reet, and Kaka Ranvir as their mother and natural guardian. Amount falling to the share of the minor daughter Kumari Anu Reet, and minor*

*son Kaka Tanvir would, however, be deposited by her in their individual fixed deposit accounts with any of the schedule bank, within a week of its withdrawal, and she would only be entitled to get interest during the period of minority of the said minors, who shall be entitled to withdraw the amount of attaining majority. Dr. Sinderjeet petitioner shall further undertake to spend the interest received by her from the fixed deposit account of the said minors for their welfare, education, and upbringing. Both the respondents No.1 and 2 shall be individually and collectively liable to pay the aforesaid amount of compensation to the petitioners. The petitioners would be further entitled to get interest at the rate of 12% per annum from the date of the claim petition till realisation. This claim petition is, accordingly, allowed with costs.*

In appeal, the High Court enhanced the compensation to Rs.6,68,300/-. Finally, the appeal was allowed to the aforesaid extent.

The Executing Court has concluded that since the judgment passed by the Tribunal has merged with the judgment passed by the High Court. Hence, the claimants are not entitled to the compensation along with interest as awarded by the Tribunal.

This Bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paper book.

It is evident that the High Court did not set aside the award passed by the Tribunal. The amount assessed by the Tribunal was enhanced in appeal. This Court has just modified the amount of compensation assessed by the Tribunal. The remaining part of the judgment passed by the Tribunal was left as it is. The conclusion drawn by the Executing Court is not correct. In absence of any specific order setting aside the entitlement of the claimants to the amount of compensation along with interest, the Court erred in denying the component of interest as awarded by the Tribunal to the claimants.

Hence, the order dated 30.08.2012 is set aside. The Executing Court is requested to calculate the component of interest and execute the same.

With all these observations, the present petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

**December 02<sup>nd</sup>, 2022**

*Parul/Ay*

**(ANIL KSHETARPAL)**

**JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*