

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(123)

2023:PHHC:082988
CWP-13611-2023
Date of Decision: 03.07.2023

Kamaljit Singh

--Petitioner

Versus

UT Chandigarh & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.S. Sarwara, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Articles 226/227 of Constitution of India for issuance of a writ in the nature of Certiorari to quash the warrant of arrest dated 28.4.2023 (Annexure P-4) issued by respondent no.2.

Learned counsel for the petitioner submits that petitioner before this court is the owner of the vehicle which was involved in the accident and the claim was filed by Kalam Singh. It is submitted that after having been passed the award by MACT, claimant Kalam Singh had approached this court by way of filing FAO-7685-2014 which was decided vide order dated 22.5.2023 and the award passed by MACT was set aside with a direction to the MACT concerned to decide the claim afresh within a period of six months. It is submitted that both the parties have been directed to appear before the MACT, Chandigarh on 17.7.2023. It is further submitted that the execution on account of the earlier award passed by the MACT has also been dismissed. Counsel submits that in view of the order dated 22.5.2023 passed by this court the proceedings are to be decided afresh and hence there is no reason for issuing warrant of arrest of the petitioner. He

submits that petitioner has already filed a representation dated 9.6.2023 before the Tehsildar concerned, however, the same is pending and no action has been taken therein and warrant of arrest has been issued against the petitioner which is totally unsustainable in the eyes of law.

Notice of motion.

On the asking of the court, Mr. Rahul Vohra, Advocate accepts notice on behalf of Mr. Aditya Jain, Advocate for respondents no.1 and 2.

It is apparent from the record that the award in pursuance to which the execution proceedings were initiated against the petitioner has already been set aside by this court vide order dated 22.5.2023. It is also apparent that petitioner has filed a representation but no action has been taken thereon.

In view of the above position, present petition is disposed of with a direction to the respondents to decide the representation filed by the petitioner taking into consideration the whole facts and circumstances of the case within a period of two weeks from today.

(RAJESH BHARDWAJ)
JUDGE

03.07.2023

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