

2024:PHHC:134651



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

130

**CR-5546-2024 (O&M)
Date of Decision : 15.10.2024**

RAJU

.... Petitioner

VERSUS

UNITED INDIA INSURANCE CO. LTD. AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashwani Arora, Advocate and
Mr. Vipul Sharma, Advocate for the petitioner.

Mr. Ram Avtar, Advocate for respondent No.1.

Mr. Arun Kumar Batra, Advocate for respondents No.2 and 3.

ALKA SARIN, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 22.08.2024 (Annexure P-5) passed by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) whereby the following order was passed :

'Report of Nazir and Ahlmad received. An application for not disbursing the amount to the claimant/DH and if the amount is released then adequate security/surety bonds/indemnity bonds be ordered to be furnished by the claimant has been filed by the applicant/JD on the ground that applicant/JD has filed appeal No. FAO No.774-2024 against the award dated 15.09.2023.

As per the report of Nazir, an amount of Rs.13,88,440/- has been deposited vide GR no.13026406 dated

09.08.2024. As per the report of Ahlmad, FAO-774-2024 is pending before Hon'ble High Court and no stay order has been received.

Perusal of the file indicates that award dated 15.09.2023 amounting to Rs.9,94,656/- along with interest @ 7.5% has been passed in favour of the claimant by the Court of Sh. Avtar Singh, Presiding officer, MACT, SAS Nagar. Insurance company/JD has preferred an appeal No.FAO No.774-2024 against the award dated 15.09.2023 and the same is pending for 30.09.2024 before the Hon'ble High Court. No stay order has been received in this case. Therefore, the application stands allowed and amount is ordered to be released to DH/claimant on furnishing personal bonds of double amount with one surety of the like amount and thereafter, Nazir is directed to issue DRO of the said amount in favour of DH/applicant's as per award dated 15.09.2023 under rules against proper receipt.

File be consigned to Record Room after due compliance.'

2. Learned counsel for the petitioner would contend that though in an appeal preferred by respondent No.1-Insurance Company being FAO-774-2024 no stay has been granted by this Court, yet the Executing Court is insisting that the amount deposited by respondent No.1 would be released to

the claimant-petitioner herein only on furnishing personal bonds of double amount with one surety of the like amount.

3. *Per contra*, learned counsel for respondent No.1-Insurance Company is not in a position to deny the fact that in an appeal preferred by respondent No.1-Insurance Company being FAO-774-2024, despite the same being listed on numerous dates, no stay has been granted by this Court.

4. In view of the fact that there is no stay which has been granted by this Court in an appeal being FAO-774-2024 preferred by respondent No.1-Insurance Company, there is no reason as to why the amount deposited by respondent No.1-Insurance Company in the execution proceedings be not released to the claimant-petitioner herein.

5. In view of the above, the entire amount deposited by respondent No.1-Insurance Company be released to the claimant-petitioner herein forthwith on an undertaking to be furnished by the claimant-petitioner before the Tribunal/Executing Court concerned that in case the award is modified to his detriment in FAO-774-2024 preferred by respondent No.1-Insurance Company, he would be liable to repay/refund the amount to it.

6. Disposed off. Pending applications, if any, also stand disposed off.

15.10.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*