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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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Date of decision : 13.11.2024

Ajit Singh

... Petitioner

Versus

Usha Devi and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Ms.Rajvinder Kaur Sohal, Advocate  
for the petitioner.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India by the judgment debtor for setting aside the impugned orders dated 31.07.2024 (Annexure P-5) and dated 23.10.2024 (Annexure P-6) passed by the Motor Accident Claims Tribunal, Karnal, in Execution Petition no.39 of 2018.

2. Learned counsel for the petitioner has submitted that the execution petition has been filed by Usha Devi, wife of Rishi Pal, (deceased) through her legal heir Vansh (minor) through his next friend and guardian Sompal and Vansh (minor) has been shown as decree holder no.2, through his next friend and guardian Sompal. It is submitted that there is nothing on record to show that Sompal is the next friend and thus, the execution petition filed through the next friend is not maintainable and the

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same deserves to be dismissed on the said ground alone. It is further submitted that the impugned order dated 31.07.2024, which has rejected the said submission deserves to be set aside and even the subsequent order dated 23.10.2024 deserves to be set aside.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book.

4. It is not in dispute that on account of death of Mohit, a claim petition was filed in the year 2010 and Vansh (minor) son of Mohit was one of the claimants. Usha Devi, grand mother of said Vansh and Pinki, mother of Vansh were also party to the claim petition. The Motor Accident Claims Tribunal vide award dated 10.02.2012 had granted the following relief:-

*“29. As a sequel to the above discussion, the instant petition is partly allowed with costs and a sum of Rs. 6,25,000/-, (Six lacs and twenty five thousands only) is awarded as compensation to the claimants along with interest at the rate of 6% per annum from the date of institution of the petition till the realization of whole of the amount of compensation, to be paid by the respondents No.1 and 2 jointly and severally. The petition qua respondent no. 3 stands dismissed.*

*30. In case of payment of the compensation the same will be shared by all the three claimants in equal shares. In case of payment of compensation amount along with accrued interest, a sum of Rs. 50,000/- each be released in cash to claimants No.1 and 2 and remaining amount of their share along with accrued interest and the entire share of minor claimant No. 3 be kept in fixed deposits in any nationalized Bank fetching maximum interest for a period of three years in case of claimants No.1 and 2 and till the majority or three years whichever is later in case of minor claimant No. 3. However,*



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*the concerned Bank will not advance any loan etc. on the said FDRs. But the claimants may make an application for premature release of the amount of compensation in case of any emergency. Counsel's fee is assessed at Rs.750/-. Memo of costs be prepared. File be consigned to the record room after due compilation.”*

5. In the execution petition (Annexure P-2) dated 12.01.2018, it was stated by the applicants that the father of the minor had died and his mother Pinki had re-married and was not residing with the minor and even Usha Devi, grand mother of the minor Vansh, had died on 28.02.2016 and the minor was being looked after by only Sompal, who was stated to be the cousin grand father in relation to the minor Vansh and it was further stated that he had no adverse interest against the interest of the minor. The petitioner filed objection on 15.07.2024 and the sole objection raised was that the said Sompal could not be stated to be the guardian of the minor Vansh. The Executing Court vide order dated 31.07.2024 had observed that the execution was filed by the decree holder Vansh, who is a minor and once the amount is recovered, then, the same will be kept in a fixed deposit and the same will be released to the decree holder when he turns major and accordingly, the said objection of the objector-judgment debtor was rejected. In the further proceedings before the Executing Court, the order dated 23.10.2024 was passed vide which recovery warrants / recovery certificate under Section 174 of the Motor Vehicles Act was issued against the judgment debtors-the petitioner and Sushil Kumar, in the name of the Collector, Karnal and the Collector, Karnal was directed to send back the

execution report after satisfying the awarded amount. The impugned orders



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are absolutely in accordance with law and deserve to be upheld. The present petition has been filed by the judgment debtor, who has already suffered the award, which undisputedly has become final. Apparently, the objection was filed by the judgment debtor no.1 to delay the execution proceedings. Once the Executing Court had observed that the money which was to be given to the minor under the award would be kept in a fixed deposit and would be released to the said minor, when he turns major, then, the interest of the said minor stands protected. The objection had been filed by the judgment debtor to not protect the interest of the minor, which already stands protected by virtue of the impugned order, rather it was only filed to delay the execution of the award, which cannot be permitted.

6. Keeping in view the abovesaid facts and circumstances, the impugned orders are upheld and the present petition being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)  
JUDGE

November 13, 2024.  
*Davinder Kumar*

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |