**CR-172-2022 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****260****CR-172-2022 (O&M)**

Date of Decision: 13.02.2025

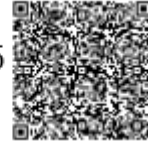
JAGEER KAUR AND ORS**... Petitioners****V/S****RAM PARTAP @ RAJU AND ORS****.... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**Present: Mr. Talwinder Singh, Advocate
for the petitioners.Mr. D.P. Gupta, Advocate
for respondent No.3.

SUVIR SEHGAL, J. (ORAL)

1. Mr. Sukhmeet Singh, Advocate has put in appearance on behalf of respondents No. 1 and 2 and filed Vakalatnama, which has been taken on record.

2. This revision petition has been filed assailing order, dated 18.11.2021 (Annexure P-1) passed by the learned Additional District Judge, Moga, whereby an application filed by the DH-petitioners for directing the JD-respondent No.3 to pay an additional amount of Rs.34,469/- has been partly accepted.

3. Mr. Talwinder Singh, counsel for the petitioner submits that the petitioners are the legal heirs of Lakhbir Singh, who expired in a motor accident on 04.12.2017 and they were awarded an amount of Rs.4,06,000/- along with interest @ 7% per annum by the Motor

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Accident Claims Tribunal (for short 'the Tribunal') vide award dated 09.09.2019, Annexure P-2. Counsel states that the petitioners filed an execution petition and after notice, an amount of Rs.4,45,087/- which had already been deposited by respondent No.3 was released to them. Counsel asserts that there was a short fall in the amount due to a calculation error and the petitioners were entitled to interest from 01.11.2019 to 19.11.2020, when the deposited amount was ordered to be released to them. By making a reference to Order 21 Rule 1(2) CPC, counsel urges that as respondent No.3 did not serve any notice upon DH prior to the deposit of the amount, which was mandatory, JD was liable to pay interest till the date of the release of the awarded amount.

4. Opposing the petition, Mr. D.P.Gupta, counsel for JD-respondent No.3 has made a reference to the stand taken in the reply, Annexure P-5, and has also invited the attention of the Court to notice dated 03.10.2019 Annexure P-6.

5. I have heard counsel for the parties and considered their respective submissions.

6. Undisputedly, petitioners are the legal heirs of Lakhbir Singh, who unfortunately expired in a vehicular accident on 04.12.2017. They have filed a claim petition before the Tribunal, which after contest, was accepted and award of Rs. 4,06,000/- was passed in their favour on 09.09.2019, Annexure P-2, along with interest @ 7% per annum. An amount of Rs.4,45,087/-was deposited by the respondent No.3 in the Executing Court vide cheque bearing No.841398 dated 01.10.2019. JD-

respondent No.3 issued a registered notice dated 03.10.2019, Annexure



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P-6, to petitioner No.1, who is the widow of the deceased, informing her about the deposit. In its reply, JD has specifically mentioned the notice, Annexure P-6, which the petitioners are not in a position to dispute. Order 21 Rule 1(2), CPC provides that where any payment is deposited in the Executing Court, the judgement debtor shall give notice of deposit to the decree-holder either through the Court or directly to him by registered post with acknowledgement due. Notice, Annexure P-6, has been addressed to petitioner No.1 and was sent to her by registered post. This Court is of the view that the decree-holder had due intimation of the deposit of the awarded amount and the mandatory requirement of Order 21 Rule 1(2) CPC is satisfied. Judgment debtor cannot be fastened with liability to deposit additional interest. There is no perversity or illegality in the impugned order.

7. Finding no merit in the revision petition, it is dismissed with no order as to costs.

13.02.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>