

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

2025.PHHC:065572

**EFA-1-2021****Date of decision: 16.05.2025****BHUVAN JAIN @ BABIN****..Appellant****Versus****SUNIL KUMAR AND ANOTHER****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Balram Pashar, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.2.

ANIL KSHETARPAL, J(Oral)

1. The appellant assails the correctness of order passed on 05.02.2020 by the Executing Court disposing of the execution petition. FAO-764-1995 was disposed of with the following order:-

*“[15] Faced with the aforementioned situation, learned counsel for the respondent-Insurance Company contends that the claim qua injuries sustained be settled at Rs.4,50,000/- without interest. The same is accepted by learned counsel for the appellant. Accordingly, in view of the statement of learned counsel for the parties, FAO No.764 of 1995 is also allowed and the appellant is held entitled to lump sum payment of Rs.4,50,000/- without any interest, to be paid within a period of two months from date of receipt of certified copy of order, failing which interest will be payable @ 7.5% per annum with effect from the date of claim petition, till date of payment. Accordingly, FAO Nos.763 of 1995 and FAO No.764 of 1995 are **allowed**, award dated 16.11.1994 passed by the learned Motor Accidents Claims Tribunal, Ludhiana, is **set aside** and the appellants are held entitled to the compensation as per details given above.”*

2. It appears that the amount was deposited by the Insurance Company on 21.10.2019. In such situation, the date on which the certified copy of the judgment was available assumes significance. Learned counsel for the



appellant has no knowledge of the same. On being questioned, he says that he does not have any material to prove that the amount was deposited after two months from the date of receipt of certified copy. Moreover, this objection was never taken before the Executing Court.

3. In any case, the revision petition is disposed of with liberty to the appellant to file application before the Executing Court in this regard.

4. If the claimant proves that the amount was deposited after a period of more than two months from the date of receipt of certified copy, the Insurance Company shall be liable to pay interest.

5. Disposed of.

May 16th, 2025

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**(ANIL KSHETARPAL)
JUDGE**

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