



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-299-CII-2026 IN/AND
CR-3199-2023

Date of Decision: 22.04.2026

DARSHANA GUPTA AND OTHERS

....Petitioners

V/s

ROOP CHAND AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Harish Chhabra, Advocate,
for the applicants-petitioners.

Mr. Shashank Bhandari, Addl. A.G., Haryana.

VIKRAM AGGARWAL, J. (ORAL)

CM-299-CII-2026

Prayer in the present application preferred under Order 9 Rule 9 read with Section 151 of CPC is for restoration of the revision petition which was dismissed for non-prosecution vide order dated 08.12.2025.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit of the applicant-petitioner-Darshana Gupta, the same is allowed. The order dated 08.12.2025 vide which the revision petition had been dismissed for non-prosecution is recalled and the case is restored to its original number.

CR-3199-2023

The instant revision petition, preferred under Article 227 of the Constitution of India assails the order dated 06.08.2019 (Annexure P-1) passed by the Executing Court (Motor Accident Claims Tribunal, Ambala).

2. A claim petition was instituted by the petitioners/claimants, seeking compensation on account of the death of one Sham Sunder Gupta (husband of Smt. Darshana Gupta) in a motor vehicular accident. The claim

petition was allowed on 05.04.1991 and a sum of Rs.4,97,000/- was awarded as compensation along with interest @ 12% per annum from the date of the filing of the claim petition till realization.

3. Subsequently, an execution petition was filed but was withdrawn having been fully satisfied. Thereafter, another execution petition was filed in which the impugned order was passed.

4. The grievance of the petitioners is that by way of the impugned order, the rate of interest was reduced by the Executing Court from 12% to 6%.

5. During the course of arguments, learned State counsel has brought to the notice of the Court that vide order dated 25.11.2019, the execution petition was dismissed as having been fully satisfied.

6. Learned counsel for the petitioners maintains that despite the dismissal of the execution petition, the present revision petition shall be maintainable.

7. This Court is unable to agree with the stand taken by learned counsel for the petitioners. The operative part of the impugned order dated 06.08.2019 states as under:-

“8) Turning back into hand, since, while depositing Rs.2,05,776/- in the executing court on 05.03.2010, JD had not issued any notice in this regard to DH, who, therefore, could withdrew amount on 25.01.2013 only when she came to know about it, therefore, JD is under legal obligation to pay interest upon aforereferred amount from the date of filing of claim petition till 25.01.2013 at the rate of 12% per annum interest as awarded by learned Motor Accident Claims Tribunal. The JD is also directed to pay further interest at the rate of 6% per annum from 26.01.2013 till realization.

9) Adjourned to 22.08.2019 for filing calculation sheet by DH.”

8. Thereafter, order dated 25.11.2019 which has been produced today in the Court by learned State Counsel, states as under:-

“CNR No.HRAM01000261-2017 Exe.55

Darshan Gupta Vs. Roop Chand etc.

***Present: Shri J.P.Gupta, counsel for the DH.
 Shri Rajesh Dhull, G.P. for J.Ds No.2 & 3.
 Shri R.K. Vig, counsel for JD No.4.***

Case file taken up on an application filed on behalf of ld. Counsel for the DH. Ld. G.P. for J.Ds No.2 and 3 and Shri R.K. Vig, counsel for JD No.4 are also present in the Court.

Ld. Counsel for DH, vide his separate statement has stated that he has received draft No.530827 dated 25.11.2019 of Rs.6,88,824/- and has withdrawn the execution petition being fully satisfied.

In view of the statement, the instant execution petition is dismissed as fully satisfied. File be consigned to records.

***Dated: 25.11.2019.
(Sammi)***

***(Ajay Kumar Sharda),
Addl. District Judge/Ambala.
UID-HR0061”***

9. Once the main execution petition was dismissed as having been fully satisfied upon a statement having been given by learned counsel for the decree holder, the impugned order would merge into the said order and there was no occasion for the petitioners to file the present revision petition in 2023.

10. Even otherwise, the impugned order is not found to be illegal since the Executing Court maintained the interest till 25.01.2013 and directed the JD to pay further interest @ 6% per annum from 26.01.2013 till realization. This was apparently done since on 25.01.2013, the decree holder

had withdrawn the sum of Rs.2,05,776/-.

11. That being so, the instant revision petition is found to be devoid of any merit and is accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

April 22, 2026
Mani Kumar

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