



254

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

CR-2516-2016 (O&M)

Date of Decision : 14.01.2026

IFFCO Tokio General Insurance Company Ltd.

... Petitioner(s)

Versus

Kamla & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate for the petitioner.

Mr. Sandeep K. Sharma, Advocate for respondent Nos.1 to 4.

Mr. Chirag Sharma, Advocate for
Mr. S.K. Tripathi, Advocate for respondent Nos.5 and 6.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the petitioner-Insurance Company aggrieved by the order dated 19.02.2016 passed by the Executing Court whereby warrant of attachment of the property of the Insurance Company has been issued.

2. Brief facts relevant to the present *lis* are that the claimant-respondent Nos.1 to 4 herein had filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal'). The Tribunal vide the award dated 20.03.2013 had awarded compensation to the tune of ₹4,51,600/- and the contributory negligence was attributed to the extent of 50% to the deceased. Aggrieved by the same, an appeal was preferred by the claimant-respondent Nos.1 to 4 herein being FAO-4032-2013 in which though the

compensation was enhanced to ₹9,81,600/-, however, the remaining findings were upheld i.e. the finding qua contributory negligence was upheld by this Court vide order dated 23.01.2015. As per the award of the Tribunal, 50% of the amount awarded was to be deposited by the petitioner-Insurance Company which was duly deposited. However, the claimant-respondent Nos.1 to 4 laid a claim that the entire amount of ₹9,81,600/- had to be deposited by the petitioner-Insurance Company and in this regard warrant of attachment was issued. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the petitioner-Insurance Company would contend that though the compensation was enhanced by this Court in FAO-4032-2013 vide order dated 23.01.2015, however, other stipulations as laid down by the Tribunal were not disturbed. In view thereof, the finding qua contributory negligence to the extent of 50% stood upheld. It is further the contention of the learned counsel that once the said finding was upheld, the petitioner-Insurance Company was required to deposit only 50% of ₹9,81,600/- which was duly deposited.

4. Learned counsel for the claimant-respondent Nos.1 to 4 is not in a position to deny the fact that vide order dated 23.01.2015 passed in FAO-4032-2013 only the compensation was enhanced, and the remaining stipulations were not disturbed. Learned counsel has fairly stated that a review application being RA-CR-189-CII-2018 was filed by the claimant-respondent Nos.1 to 4, which was also dismissed by this Court vide order dated 26.05.2025.

5. I have heard the learned counsel for the parties.

6. In the present case the Tribunal had given a categorical finding qua contributory negligence to the extent of 50% and the said finding was upheld

by this Court vide order dated 23.01.2015 passed in FAO-4032-2013, though the compensation was enhanced to ₹9,81,600/-. 50% of the total enhanced compensation as directed by the Tribunal already stands deposited by the petitioner-Insurance Company.

7. In view of the fact that 50% of the compensation as directed by the Tribunal which was upheld by this Court vide order dated 23.01.2015 in FAO-4032-2013 has already been deposited, the order dated 19.02.2016 passed by the Executing Court cannot be sustained in law and the same is accordingly set aside. The present revision petition stands allowed. Pending applications, if any, also stand disposed off.

14.01.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO