

(1991) 03 P&H CK 0007
In the Punjab And Haryana At Chandigarh

Baj Singh

APPELLANT

Vs

Balbir Singh and Others

RESPONDENT

Date of Decision : 11-03-1991

Acts Referred:

Constitution of India, 1950 — Article 227
Motor Vehicles Act, 1988 — Section 174

Citation : (1991) 1 ACC 636

Hon'ble Judges : I.S. Tiwana, J

Bench : Single Bench

Judgement

I.S. Tiwana, J.—In this petition under Article 227 of the Constitution of India, what is impugned is the process issued by the Assistant Collector Hnd Grade, Jagadhri, to recover an amount of Rs. 60, 000/- from the petitioner, which concededly is payable by him under an exparte award passed against him by the Motor Accidents Claims Tribunal. The sole plea raised by the petitioner is that since the truck of the petitioner which was involved in the accident was insured with the New India Assurance Company. Therefore, see the amount in question could not possibly be realised as arrears of land revenue from him. I, however, see no merit in the stand of the learned Counsel in view of the clear language of Section 174 of the Motor Vehicles Act, 1988, which reads "where any amount is due from any person under an award, the Claims Tribunal may, on an application made to it by the person entitled to the same issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue". It is next contended by the learned Counsel, that he has already filed an application for setting aside of the ex parte award and till the disposal of that application, this P recovery may not be effected from him. Again the plea is equally untenable, as the mere filing of the application does not deprive the authorities concerned of their jurisdiction to recover the amount or disentitles the claimant of anything. Therefore, this petition is dismissed but with no order as to costs.