

(2011) 01 P&H CK 0279
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 538 of 2011

Daljeet Singh

APPELLANT

Vs

Motor Accident Claims Tribunal and Others

RESPONDENT

Date of Decision : 25-01-2011

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2011) 01 P&H CK 0279

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Petitioner/claimant has filed the instant revision petition under Article 227 of the Constitution of India for setting aside the order dated 15.5.2010 passed by learned Motor Accident Claims Tribunal, Rupnagar, whereby in the execution petition filed by the Petitioner, the amount of compensation awarded to him has been ordered to be released on his furnishing indemnity bonds in the sum of Rs. 1,50,000/- with one surety in the like amount.

2. Learned Counsel for the Petitioner/claimant submits that vide award dated 12.2.2010 M/s Oriental Insurance Company along with the driver and owner of the offending vehicle were jointly and severally held liable to pay the awarded amount of compensation to the Petitioner/claimant. It is further submitted that against the award dated 12.2.2010 passed by learned Motor Accident Claims Tribunal, Rupnagar, Petitioner had filed an appeal bearing FAO No. 4271 of 2010 for enhancement of compensation, which was disposed of by Lok Adalat vide order dated 20.1.2011 in terms of compromise arrived at between the Petitioner and the insurance company. It is further submitted that it is thus evident that there is no other appeal filed by the insurance company which was held liable to satisfy the award. In such circumstance, it is contended that passing of the impugned order dated 15.5.2010 imposing conditions of furnishing of indemnity bonds in the sum of Rs. 1.50 lacs with one surety in the like amount is wholly

unwarranted.

3. After hearing the learned Counsel, I find substance in the plea raised on behalf of the Petitioner. It appears that there is no dispute that the Insurance Company has not filed any appeal challenging the award passed by the learned Motor Accident Claims Tribunal and rather a compromise was effected between the Petitioner/claimant and the insurance company in FAO No. 4271 of 2010, filed by the Petitioner for enhancement of compensation, which is reported to have been disposed of vide order dated 20.1.2011. In such circumstances when there is no likelihood of change/reduction of compensation amount already awarded to the Petitioner, in my opinion, the conditions imposed by the learned Executing Court are unwarranted.

4. For the reasons stated above, the present revision petition is allowed and the impugned order dated 15.5.2010 is modified to the extent that the compensation amount shall be released to the Petitioner forthwith without asking for any indemnity bond or any surety in the like amount.