
(1989) 09 P&H CK 0117
In the Punjab And Haryana At Chandigarh

Gursewak Singh

APPELLANT

Vs

Motor Accident Claim Tribunal and Others

RESPONDENT

Date of Decision : 08-09-1989

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (1990) 1 ACC 195

Hon'ble Judges : J.V. Gupta, J

Bench : Single Bench

Judgement

J.V. Gupta, J.—This is a petition under Article 227 of the Constitution of India for setting aside the execution proceedings against the petitioner which were sent by the executing Court to the Assistant Collector 1st Grade, Chandigarh, for recovering the amount of the award as arrears of land revenue.

2. The award by the Motor Accident Claims Tribunal was given against one Sewa Singh son of Jewan Singh, the alleged owner of the truck ND, CHW 5847. The award was passes ex-parte against Bhajan Singh and said Sewa Singh. When execution was being sought and it was sent to the Assistant Collector 1st Grade for recovery. He started recovery proceedings against petitioner Gursewak Singh on which he filed the present petition in this Court. However, during the pendency of this petition, on September 30, 1988, this Court after hearing both the counsels passed the following order:

After hearing counsel for the parties, the ex-parte order staying recovery of the awarded amount passed on June 13, 1988, is vacated. However, the petitioner shall not be arrested. If some other remedy is open to the petitioner to impugn the award, the petitioner may resort to the same and in those proceedings it will be open to the petitioner to apply for stay of execution and the matter would be considered on merits without being influenced by this order.

3. It has been stated at the Bar on behalf of the petitioner that after the above said order, he has filed objections before the executing Court and are still

pending adjudication. That being so, the above said order will continue till the final disposal of the objections filed by the petitioner. This petition is disposed of accordingly.