
(2003) 05 P&H CK 0090
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2567 of 2003

Jagir Kaur and Others

APPELLANT

Vs

Majha Transport Company and Others

RESPONDENT

Date of Decision : 24-05-2003

Acts Referred:

Motor Vehicles Act, 1988 — Section 174

Citation : (2004) ACJ 2101 : (2003) 134 PLR 758 : (2003) 3 RCR(Civil) 685

Hon'ble Judges : Viney Mittal, J

Bench : Single Bench

Advocate : K.S. Rekhi, for the Appellant;

Judgement

Viitey Mittal, J.—It is an unfortunate case in which the claimant and minor children of the deceased Pritam Singh are still knocking the doors of the Court to get the award dated October 1, 1993 executed. The claimants lost their bread winner in a motor vehicle accident on October 28, 1988. They approached the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as the Tribunal) for the grant of compensation. An award dated October 1, 1993 was passed. Respondents No. 1 to 3, namely, Majha Transport Company and its owners were held jointly and severally liable to pay a compensation of Rs. 2 lakhs alongwith interest to the claimants.

2. Thereafter the ordeal of the claimants started all over again. They approached the Tribunal for the execution of the aforesaid award. The matter has remained pending for almost more than 10 years. They have not received the compensation so assessed by the learned Tribunal so far. Earlier the respondents were not served, they were ordered to be served through a proclamation in the newspaper. Despite service, only respondent No. 1 appeared through counsel, other respondents chose not to appear. Attachment of their buses was ordered. The attachment has not been effected for a period of more than 4 years. The petitioners have now approached this Court through the present petition under Article 227 of the Constitution of India.

3. I have heard the learned counsel for the petitioners and with his assistance have also gone through the various zimni orders passed by the learned Tribunal.

4. It is very strange that a period of more than 10 years have been allowed to lapse, because of the delaying tactics adopted by the respondents. Respondent No. 1 had put in appearance through a counsel. Respondents No. 2 and 3 were merely the owners of the company. No payment was made by respondent No. 1.

5. The court cannot be a helpless spectator in such a situation. Accordingly, the State Transport Commissioner, Punjab and the District Transport Officer, Amritsar are directed to issue directions to respondent No. 1 Majha Transport Company suspending the route permits of the aforesaid company till the claim of the claimants is wholly satisfied. Unless and untill, the aforesaid Company produces discharge/satisfaction report from the learned Tribunal in that regard the aforesaid Company shall not be permitted to carry out its business of running the transport.

6. A copy of this order be given dasti on payment of usual charges to the learned counsel for the petitioners and be also sent to be State Transport Commissioner, Punjab as well as the District Transport Officer, Amritsar for compliance.

7. Since this order is being passed without issuing any notice to the respondents, therefore, the respondents would be at liberty to approach this Court for modification of this order.

Disposed of with the aforesaid observations.