

(2007) 07 P&H CK 0063
In the Punjab And Haryana At Chandigarh

Smt. Kusum Rani

APPELLANT

Vs

Motor Accident Claims Tribunal

RESPONDENT

Date of Decision : 13-07-2007

Acts Referred:

Citation : (2007) 4 PLR 625 : (2007) 4 RCR(Civil) 248

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—This revision is against the order dated 02.09.2006 passed by the Motor Accident Claims Tribunal, Moga in Execution No. 1 of 2006. It is admitted case of the parties that an award of Rs. 7,10,000/-was passed by the Motor Accident Claims Tribunal, Moga, bearing interest @ 9%. It is also not in dispute that Insurance Company and also the claimants have filed the appeals against the award dated 16.11.2005 passed by the Tribunal before this Court and the appeals are still pending. However, no interim directions have been issued by this Court. There being no stay of Tribunal's judgment by this Court, the claimants initiated proceedings for execution of the award. During the execution proceedings, the Tribunal vide its order dated 02.06.2006 ordered the Insurance Company to pay Rs. 5,00,000/- to the claimants within 20 days. It is admitted on behalf of the claimants-petitioners that the amount of Rs. 5,00,000/- has been received by the claimants. Tribunal without proceeding further in the execution for recovery of the rest of the awarded amount passed the impugned order dismissing the execution being partly satisfied.

2. I fail to understand the propriety of this order. Once an appeal is filed and award has not been stayed by any competent Court, it was the duty of the Tribunal to execute the award in its entirety. Why the Tribunal has declined to execute the award to its entire satisfaction is not forthcoming from the impugned order. The order is erroneous and is liable to be set aside.

3. I accordingly set aside the order and direct the Tribunal to proceed with the execution till the award is satisfied. However, the execution of award will remain

subject to the outcome of the appeals pending before this Court.