
(2019) 07 CHH CK 0085
In the Chhattisgarh High Court
Case No : Writ Petition 227 No. 555 Of 2019

Tarachand Patel And Ors

APPELLANT

Vs

Shashikala Patel And Ors

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2019) 07 CHH CK 0085

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Ajeet Kumar Yadav

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. Petitioners herein are the owner and the driver of the vehicle, against whom the award has been passed by learned First Additional Motor Accident Claims Tribunal, Raigarh on 17/09/2018, against which they filed Miscellaneous Appeal (C) No. 1544/2018 (Tarachand Patel & Anr. Vs. Smt. Shashikala Patel & Ors.), which is pending consideration before this Court. In the meanwhile, execution proceeding has been initiated by learned Claims Tribunal against the petitioners in M.A.C.T. Execution No. 03/2018, being aggrieved of which the petitioners have preferred this writ petition under Article 227 of the Constitution of India.

2. Learned counsel for the petitioners submits that during the pendency of the miscellaneous appeal before this Court, the award cannot be executed and thus, execution proceeding cannot be carried on by the learned Claims Tribunal.

3. I have heard learned counsel for the petitioners, considered his submissions and went through the record with utmost circumspection.

4. In my considered opinion, there is no bar for the Claims Tribunal to proceed with the execution of the award. Petitioner is at liberty to press their application

for grant of stay in the miscellaneous appeal preferred by them before this Court.

5. With the aforesaid observation, this writ petition stands disposed of. No cost(s).