
(2016) 07 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : CR No. 4295 of 2016

Vineet	Vs	APPELLANT
Naveen		RESPONDENT

Date of Decision : 13-07-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 174

Citation : (2017) 1 PLR 74

Hon'ble Judges : Mr. Amit Rawal, J.

Bench : Single Bench

Advocate : Mr. Kartar Singh Malik-I, Advocate, for the Petitioners

Final Decision : Disposed Off

Judgement

Amit Rawal, J. (Oral) - The petitioner-claimants in the MACT claim petition are aggrieved of the impugned order dated 16.05.2016, whereby, the Court is stated to have misinterpreted the observations/interim order dated 11.02.2016 passed by this Court in FAO No.1050 of 2016. The order reads thus:-

"Learned counsel for the appellants contends that the claimants are the major sons, daughters and grand sons and grand daughters of the deceased and therefore, they are not entitled to compensation in view of the law laid down by the Hon'ble Supreme Court in Smt. Manjuri Bera v. The Oriental Insurance Company Ltd. and another 2007 (2) RCR (Civil) 675.

Notice of motion for 18.07.2016. Meantime, the compensation amount be disbursed to the claimants against security. Record of the Tribunal be requisitioned."

2. Mr. Kartar Singh Malik-I, learned counsel appearing on behalf of the petitioner-claimants submits that this Court has imposed the condition of security but MACT, i.e., Executing Court had ordered for Bank Guarantee. The impugned order reads thus:-

"Order dated 11.2.2016 passed by Hon"ble Mr. Justice Isnesh Prashar, Judge, Punjab and Haryana High Court Chandigarh in FAO No.1050 of 2016 (O&M) perused. In view of the aforesaid order dated 11.2.2016, claimant-appellant is directed to furnish the security bonds in the shape of Bank Guarantee equivalent to the award amount. On the request of learned counsel for the decree holder, the case file be put up on 2.7.2016 for this purpose."

3. I have heard learned counsel for the petitioner-claimants and appraised the paper book.

4. Once the interim order of this Court ordered for the disbursement of compensation to the claimants against security, the Court/Executing Court cannot substitute the same by its own order. The order of the Court has to be respected and regarded. Accordingly, order dated 16.05.2016 is modified and the compensation amount is ordered to be disbursed to the claimants against furnishing of security bonds. There shall be no rider of Bank Guarantee, in view of the observations given in the order dated 11.02.2016.

Revision petition stands disposed of with the aforementioned directions.