

2025:PHHC:070387



CR-2948-2025(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CR-2948-2025(O&M)

Date of decision : 23.05.2025

Deepak

... Petitioner

Versus

Shriram General Insurance Company and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.J.S. Saneta, Advocate  
for the petitioner.

Mr.Nigam K. Bhardwaj, Advocate  
for respondent no.1.

Mr.Akshay Jain, Advocate  
for respondent no.2.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 19.11.2024 (Annexure P-2) passed by the Motor Accident Claims Tribunal, Panipat vide which the amount of Rs.5,59,725/- (50% of awarded amount) has been directed to be deposited in the shape of FDR with respondent no.2 without there being any order of stay passed by the Hon'ble High Court.



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2. On 15.05.2025, this Court was pleased to pass the following order:-

*“Present: Mr.Jarnail Singh Saneta, Advocate  
for the petitioner.*

*\*\*\**

*Inter alia contends that in the present case, the amount which had been awarded by the Tribunal vide award dated 05.04.2023 was to be paid to the claimants in its entirety along with interest and there was no observation that the amount would be put in FD. It is submitted that there is no stay against the said order yet the Executing Court vide order dated 19.11.2024 has only ordered to release 50% of the amount whereas balance 50% has been ordered to be put in FD. It is submitted that it is settled law that the Executing Court cannot go beyond the award / decree.*

*Notice of motion to respondents no.1 and 2 for 22.05.2025.*

*Liberty is granted to the petitioner to serve respondents no.1 and 2 through dasti process also.*

*To be shown in the urgent list.*

*May 15, 2025”*

3. Learned counsel for respondent no.1-insurance company has submitted that the insurance company has filed an appeal and even the claimant has filed an appeal and has fairly submitted that there is no stay in favour of the insurance company.

4. Learned counsel for respondent no.2 has submitted that he has no objection in case the entire amount is released to the petitioner.

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5 Learned counsel for the petitioner has reiterated the submissions made on 15.05.2025 and has submitted that the petitioner is suffering from 70% disability and is in dire need of money and has prayed that the entire amount be released. It is submitted that there is no stay against the Award dated 05.04.2023. It is pointed out that as per instructions, the balance amount has been deposited by the insurance company in the shape of FDR in State Bank of India, Mini Secretariat Branch, Panipat.

6. This Court has heard learned counsel for the parties and has perused the paper book and finds that the present petition is meritorious and deserves to be allowed.

7. A perusal of the Award dated 05.04.2023 would show that the petitioner was held entitled to receive Rs.9,12,000/- as compensation along with interest and the same was to be paid by the respondent no.1-insurance company. In the award, there was no reference to any amount which was required to be deposited in the FDR, as the petitioner who is the claimant was the injured and was not a minor. The petitioner thereafter had filed an execution application and in the execution proceedings, vide impugned order dated 19.11.2024, the Executing Court ordered the release of 50% of the amount to the petitioner which was ordered to be deposited in his bank account but with respect to the balance 50% it was observed that the same be deposited in the shape of FDR in State Bank of India, Mini Secretariat



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Branch Panipat for a period of five years, and which would be disbursed / deposited subject to the outcome of the appeals pending before the Hon'ble High Court. While passing the said order, it was observed in paragraph 4 that the petitioner was visibly suffering from the effects of injuries and the said paragraph is reproduced hereinbelow:-

*“4. Admittedly there is no stay against operation of award under execution. Victim/DH Deepak is present in the court. He is visibly suffering from effects of injuries allegedly received by him in the accident in question. Victim is not able to even speak clearly and he is repeatedly insisting that due to such injuries he has lost his livelihood and is now in dire need of money. He has prayed for release of amount lying deposited in the Tribunal.”*

8. That the impugned order to the extent that 50% of the amount has not been released to the petitioner and has been ordered to be put in FDR is against law and to the said extent deserves to be set aside. The Coordinate Bench of this Court in ***Sahjadi Khatoon and others vs. Union of India, CR-493-2020 decided on 27.01.2020*** has placed reliance upon the case of ***Rani and others vs. Union of India, CR-243-2020 decided on 15.01.2020*** and has observed that it is well settled law that where the right to money is based on a final decree, the original owner has the choice of appropriation of compensation in the manner he regards best in his interest. The money to which he is found entitled is to be handed over to him without placing any riders thereon and that once the compensation has been



awarded, the same would go to the claimant, as no one can question a major person of sound mind as to how he would put the said money to use. The relevant portion of the said judgment is reproduced hereinbelow:-

*“4. To retrieve the part compensation, the earned counsel for the petitioner places reliance on Rani's case (supra). At any rate, it is well-settled in law that where the right to money is based on final decree and the original owner has the choice of appropriation of compensation in the manner he regards best in the interest of that person, the money deposited by the judgment debtor has to be handed over to the award-holder without placing any riders thereon. It is trite law that once compensation amount is awarded by the court, it should go to the claimant. No one can question a major person of sound mind entitled to an adjudicated amount of compensation in an award which has become final, suspecting how the money would be put to use by the rightful owner. This is not the business of the Tribunal. This court hopes that such litigation should not come to it again.*

*5. Accordingly, the claim is covered by the judgment and no 3rd party rights are involved and will be affected nor the rights of petitioners 2 to 5 since the petition is pressed only as far as the first petitioner is concerned by keeping the rights of respondents 1 to 5 as directed by the learned Tribunal.*

*6. This petition is allowed.*

*7. As a result, a direction is issued to the learned Tribunal to disburse the share of the first petitioner (Sahjadi Khatoon) alone to her bank account to be supplied by her by transfer through RTGS, within a week of presentation of a certified*



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*copy of this order after verification of credentials and acknowledgment duly signed by her and retained on case file.”*

9. The said judgment has been followed in ***FAO-4000-2024*** titled as ***“Santra & Ors. vs. Union of India” and other connected matters decided on 30.08.2024***, in which it was observed by the Coordinate Bench of this Court that the Tribunal ought not to have put clog over the rights of the claimants and that they should have unfettered right to use the money. Moreover, in the present case it is the case of the petitioner that he is 70% disabled and the fact that the petitioner is not keeping good health is also apparent from the perusal of the impugned order.

10. Keeping in view the above said facts and circumstances, the present revision petition is allowed and the order dated 19.11.2024 to the extent that the entire compensation has not been released to the petitioner and 50% of the same has been ordered to be deposited in the FDR is set aside and the Executing Court is directed to get the said amount along with accrued interest released from respondent no.2-bank to the petitioner.

(VIKAS BAHL)  
JUDGE

May 23, 2025.

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No