



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CR-2426-2025 (O&M)
Date of Decision: 24.04.2025

Jagan Lal and another

...Petitioners

V/s

Tata AIG General Insurance Co. Ltd.

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Wazir Singh, Advocate, for the petitioners.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition assails the order dated 24.03.2025 (Annexure P-3) passed by the Court of learned Addl. District Judge, Panipat (Executing Court), vide which the petitioners have been called upon to furnish security of immoveable property for the release of compensation awarded by the learned Motor Accident Claims Tribunal, Panipat.

2. The facts, as emanating from the revision petition, are that a claim petition was preferred by the present petitioners under Section 166 of the Motor Vehicles Act, 1988 for the grant of compensation on account of death of Kamlesh, who was the son of Jagan Lal (petitioner No.1) and brother of Rajesh Kumar (petitioner No.2) and had expired in a motor vehicular accident which took place on 07.03.2018. The claim petition was allowed by the Motor Accident Claims Tribunal, Panipat and a sum of Rs.13,55,200/- along with interest @ 9% per annum was awarded as compensation. Both the claimants were held entitled to 50% of the awarded amount each. Thereafter, certain directions were issued for retaining some amount in an FDR and



release of the remaining amount to the claimants. Before the executing Court, a stand was taken by the insurance company that they had filed FAO No.2577-2024 in the High Court and in view thereof, the amount be not released to the claimants. The executing Court held that the amount would be released to the claimants in terms of the Award on furnishing security of immovable property by the claimants. Aggrieved by this decision, the present revision petition has been filed.

3. Learned counsel for the petitioner submits that the order vide which the condition of furnishing of security has been imposed upon the claimants is illegal and arbitrary since there is no stay in the appeal till today.

4. I have considered the submissions made by learned counsel for the petitioners.

5. Admittedly, there is no stay in the appeal filed by the insurance company i.e. FAO-2577-2024. That being so, there was no occasion for the learned Motor Accident Claims Tribunal to impose a condition upon the claimants. The order, in the considered opinion of this Court, is grossly illegal and deserves to be set aside.

6. Accordingly, the present revision petition is allowed and the impugned order dated 24.03.2025 (Annexure P-3) is set aside and a direction is issued to Court concerned to release awarded amount in terms of the Award to the present petitioners (claimants), after giving notice to the insurance company.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

April 24, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No