

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

**CR No. 6054 of 2011 (O&M)  
Date of Decision: 30.09.2011**

Chander Vikas & Anr.

...Petitioners

Vs.

Smt.Kuljit Kaur & Ors.

...Respondents

**BEFORE: HON'BLE MR.JUSTICE A.N.JINDAL**

Present: Mr.S.D.Sharma, Sr. Advocate,  
with Ms.Bindu Goel, Advocate,  
for the petitioners.

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**A.N.Jindal, J.**

This petition assails the order dated 19.09.2011 (Annexure P.12) passed by (Executing Court) Motor Accident Claims Tribunal, Chandigarh in the petition filed by Chander Vikas and his father Shri C.L.Chaudhary, in the execution for recovery of compensation for a sum of Rs.3,68,410/- on the basis of award dated 22.08.2007 (Annexure P.4).

Briefly stated the facts are that the Tribunal had passed award for the aforesaid sum against three respondents jointly and severally. However, appeal preferred by the objectors before the High Court was dismissed as withdrawn with the liberty that they may raise any objection before the Executing Court in accordance with law. Accordingly, the petitioners raised objections viz. the award dated 22.08.2007 is based on

conjectures; the statements of the witnesses are contradictory; rash and negligent act of Chander Vikas is not proved, death certificate and post mortem reports are also not placed on record; there is no document in order to indicate as to when the deceased died; there is no eye witness account and no personal loss has been shown by the claimants.

The Tribunal had also observed that Judgment Debtor No.2 would be entitled to recover the amount of the compensation paid by him to the claimants from respondent No.3 through appropriate proceedings including under section 174 of the Motor Accident Claims Act, 1988.

Heard, the contentions are devoid of merit. It appears that the objection which needed to have been raised by the objectors at the time when the award was contested on merits, have been filed in this execution. That apart, the Tribunal, now neither can decide about the rashness nor negligence of the driver nor re-appreciate the evidence. As regards the plea that the award is the result of fraud is totally superfluous and appears to have been taken just to delay the execution. No particulars of fraud have been mentioned. Award was passed on merits in the presence of the parties and they were competent to raise as many pleas as they wanted at that time. Now at the time of execution, such pleas raised by them are held to be not permissible.

No grounds to interfere in exercise of revisional jurisdiction.

Dismissed in limine.

**30.09.2011**  
rp

**(A.N.Jindal)**  
**Judge**