

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).26485/2010

(From the judgement and order dated 26/05/2010 in FAO No.4690/2007,
CM No.5392/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SONIA MALIK & ORS. Petitioner(s)

VERSUS

JITENDER LATHAR & ORS. Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 35397 of 2010

(With appln(s) for c/delay in filing SLP and c/delay in refiling SLP
and office report)

Date: 12/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. R.K. Kapoor, Adv.
Ms. Shweta Kapoor, Adv.
Ms. Reetu Sharma, Adv.
Mr. Anis Ahmed Khan, Adv.

For Respondent(s) Mr. Mahabir Singh, Sr. Adv.
Mr. Gagan Deep Sharma, Adv.
Mr. Nikhil Jain, Adv.
Mr. Vikram Gulia, Adv.
Ms. Preeti Singh, Adv.

Mr. Saurabh Suman Sinha, Adv.
Mr. Rajiv Bansal, Adv.
M/S. Ap & J Chambers ,Adv

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
Leave granted.
The appeals are allowed in terms of the signed order.

(DEEPAK MANSUKHANI)

(RENU DIWAN)

Court Master

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7811 OF 2011
(Arising out of SLP(Civil) No. 26485 of 2010)

SONIA MALIK & ORS. Appellant(s)

VERSUS

JITENDER LATHAR & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 7812 OF 2011
(Arising out of SLP(Civil) No. 35397 of 2010)

O R D E R

Delay condoned.

Leave granted.

We have heard learned counsel appearing for the parties.

Both these appeals deal with similar facts and the issue involved is also similar and inter-connected and, therefore, we propose to dispose of both the appeals by this common judgment and order.

By filing these appeals, the appellants have challenged the legality of the order passed by the Punjab & Haryana High Court whereby an interim order is passed staying execution of the award passed by the Motor Accidents Claims Tribunal. The appellants are the claimants who, in view of the death of Dr. Ranbir Singh Malik, filed the aforesaid claim petition in the Tribunal praying for payment of compensation in accordance with the provisions of the Motor Vehicles Act. The claim was opposed by the respondents herein. The Tribunal, after receiving evidence adduced by the parties, held that both the respondents are jointly and severally liable to pay compensation of an amount of Rs. 21,54,372/- along with interest.

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Being aggrieved by the said award passed by the Tribunal, two appeals have been filed before the Punjab and Haryana Court and have been admitted. The High Court, however, in the judgment and order passed an order of stay of the execution of award holding that interpretation of Section 2(30) of the Motor Vehicles Act requires consideration of the said Court and, therefore, there should be stay of the entire award. The appeals although were set down for hearing on 20th July, 2010 but could not be heard by the High Court.

Considering the facts and circumstances of the case and also considering the fact that the claimants are the widow, the minor son and minor daughter of the deceased and an award has been given in their favour, we direct respondent Jitender Lathar to deposit an amount of Rs. 8 lakhs in the Motor Accidents Claims Tribunal within eight weeks from today. It shall be open to the claimants herein to withdraw the entire amount for which they will furnish the security to the satisfaction of the Tribunal. It shall also be open to the present respondent Jitender Lathar who is paying this amount to get the same recovered at a later stage from the other respondent Ravi Kumar

in accordance with law if there be any order by the High Court in that regard.

In view of the fact that the High Court had passed an order directing for listing of the case on hearing on 20th July, 2010 and since the matter was not heard on that date, we request the High Court to hear the appeals as expeditiously as possible preferably within a period of six months from today.

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In terms of the aforesaid observations and directions, these appeals are allowed to the aforesaid extent.

.....J.
(DR. MUKUNDAKAM SHARMA)

.....J.
(ANIL R. DAVE)

NEW DELHI
SEPTEMBER 12, 2011.