

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

OWP No. 617/2017

Lovely Jan and Anr.

...Appellant/Petitioner(s)

Through: Mr. Rizwan-ul-Zaman, Advocate

Vs.

State of J&K and Ors.

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG
Mr. M. Ayoub Bhat, Advocate

CORAM:

HON'BLE MS JUSTICE SINDHU SHARMA, JUDGE

ORDER
20.12.2023

1. Petitioners, who are daughters of the private respondent, filed a petition under Section 488 Cr.P.C for grant of maintenance. During the pendency of the petition, the parties entered into a compromise and as per the compromise, the parties agreed to pay Rs. 3,50,000/- (Rupees Three lac fifty thousand) to the petitioner on account of the marriage expenses. It was also agreed that in case the private respondent fails to pay, he shall transfer some of his land by way of Gift Deed to the petitioners.
2. This petition was disposed of on the compromise between the parties on 25.05.2007. The petitioners submit that the private respondent failed to comply with aforesaid compromise and thus, the petitioners filed an execution petition before Sub-Judicial Magistrate, Pulwama.
3. On 23.07.2007, the Court directed the concerned Patwari to issue relevant revenue extract of the land of the private respondent. The respondent identified the land measuring 30 Marlas situated at Gulzarpora, Awantipora commonly known as "Warkhan" and land measuring 15 Marlas situated at Gulzarpora, Awantipora for petitioners. The execution petition was, accordingly, disposed of.
4. It is further submitted by learned counsel for petitioners that the respondents no.8, failed to comply with the compromise, accordingly, execution petition was filed before the Court of Sub Judge Judicial

Magistrate, Pulwama, in which the Patwari concerned was directed to issued revenue extracts in respect of land belonging to respondent no.8 for transfer in favour of petitioners. The said order was served upon official respondents, but the Patwari concerned has not issued revenue extracts till date. It is in this context, the petitioners approached this Court seeking the following reliefs:-

- (i) *Mandamus commanding the official respondents to make necessary entry in the revenue records in favour of the petitioners qua the land measuring 30 marlas commonly known as Warkhan situated at Gulzarpora Tehsil Awantipora District Pulwama and the land measuring 15 marlas situated at GulzarporaAwantipora.*
- (ii) *Mandamus commanding the official respondents to make the entry in the revenue records on the basis of the compromise reached between the petitioners and the private respondent before the Hon'ble Court of Sub Judge Judicial Magistrate 1st Class Pulwama, in the maintenance petition filed by the petitioners.*
- (iii) *Mandamus commanding the official respondents to implement the compromise reached between the petitioners and private respondents in the revenue records.*

5. This Court vide order dated 08.12.2023, directed as under:

“After having heard learned counsel for the parties, this Court is of the opinion that a brief affidavit of the Patwari concerned is required to effect adjudication of this case. The same be filed by or before the next date of hearing.”

6. In terms of aforesaid order, the Patwari concerned has filed affidavit. In paragraph 3 of the affidavit, it is stated that respondent no.8, identified land measuring 30 Marlas situated at estate Gulzarpora commonly known as “Warkan” and land measuring 15 Marlas situated at Gulzarpora, for transfer in favour of petitioners, however, Khasra nos. with respect to the said land has not been identified by respondent no.8, which would facilitate the issuance of Revenue extracts. Thereby making it impossible to issue the revenue extracts, however, revenue extract with respect to land belonging to respondent is enclosed with the affidavit filed by the Patwari concerned.

7. Thus, the prayer of the petitioner with regard to inaction of respondents stands redressed as the respondents have filed an affidavit.
8. Learned counsel for the petitioners submits that the execution petition was disposed of vide order dated 04.12.2007 and consigned to records on the agreement between the parties, wherein it was recorded that nothing remains to be adjudicated.
9. In view of aforesaid, this petition is disposed of with a direction to the petitioners to approach the concerned Court with an application for execution of Award of Lok Adalat. In case any such application for revival of the execution petition is made by the petitioners, same shall be considered in accordance with law. The respondent shall deposit the costs in terms of the order dated 08.12.2023 and shall ensure the compliance of the order.
10. **Disposed of** along with connected CM(s).

(SINDHU SHARMA)
JUDGE

SRINAGAR

20.12.2023

Manzoor