IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-1529-2014

Date of decision: 22.09.2015

Ranbir Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

PRESENT: Mr. Sudhir Hooda, Advocate for the petitioner.

**AMIT RAWAL, J. (ORAL)**

Challenge in the present petition is to the order dated 20.12.2013 (Annexure P-8) whereby the application seeking restoration of Execution Petition No. 79 of 2009 has been dismissed by the Executing Court, on the premise that on 17.10.2013, an order was passed by the Executing Court, whereby, it was ordered that the Execution Petition filed by Smt. Sarjo to claim her share as co-sharer on behalf of Hardeep S/o Jeet Ram, on the basis of a judgment and decree passed in her favour, in Civil Suit No. 805 of 2004/2009, decided on 19.10.2010 whereas a sum of ₹ 8,14,312/- has already been released in favour of co-sharer Hardeep, who was not made a party in the execution petition.

The trial Court allowed the said execution petition but with regard to payment of ₹ 8,14,312/-, the trial Court formed an opinion that the execution petition is not maintainable as the amount aforementioned had already been released to Hardeep on 26.05.2011 whereas, the present

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execution was filed on 14.06.2011 and the only remedy available with applicant-Smt. Sarjo was to file a recovery suit or a petition under Section 30 of the Land Acquisition Act.

It is a matter of record that the sale deed dated 09.06.1988 alleged to have been executed in favour of Hardeep was set aside vide judgment and decree dated 19.10.2010 (Annexure P-4). The operative part of the said judgment and decree reads thus:-

> *"11. In view of above findings on the aforesaid issues, the suit of the plaintiff succeeds and the same is hereby decreed with costs as prayed for. The sale deed dated 9.6.1988 and its mutation no. 1841 are declared illegal, null and void and not binding upon the rights of the plaintiff. Decree sheet be prepared accordingly. File be consigned to the records after due compliance."*

In view of the above, the aforementioned sale deed cannot be looked into except for the reasons assigned by the trial Court. I do not find any illegality or perversity in the impugned order particularly when remedy to file a petition under Section 30 of the Land Acquisition Act, is available to the petitioner. The order declining the payment of amount cannot be said to have been passed without jurisdiction.

The instant revision petition is devoid of merits and the same is dismissed, accordingly.

**September 22, 2015** **( AMIT RAWAL )**
*rishu* **JUDGE**

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