

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 2258 of 2015

Date of Decision: April 1, 2015

The Amritsar Improvement Trust

.....Petitioner

Vs.

Jagjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Gaurav Sharma, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

The petitioner i.e. the Amritsar Improvement Trust is a judgment debtor in proceedings pertaining to the land acquired vide award dated August 25, 1975 for the development scheme called 'New Grain Market Scheme' within the municipal limits of Amritsar. The final award has been passed by Division Bench of this Court in CWP No. 7710 of 2009, decided on March 7, 2014. The petitioner Trust had moved an application objecting to the execution of the award claiming that the additional compensation under Section 23 (1) –A of the Land Acquisition Act, for short 'the Act', is not permissible to the decree holders. Vide order annexure P-1,

the Executing Court has directed the petitioner to pay additional decretal amount to the tune of Rs.18,97,770/- and balance of Rs.9,51,425/- which is still due to be paid by the petitioner-judgment debtor.

Learned counsel for the petitioner has submitted that the calculations have not been made in accordance with the judgment of the Supreme Court in **K.S. Paripooranan Vs. State of Kerala**, AIR 1995 SC 1012, decided on September 12, 1994. The question deals with the execution, discharge and satisfaction of the decree which requires by a Court executing the decree, as per provisions of Section 47 CPC.

This petition is disposed of as premature with a direction to the Executing Court to consider the claim of the petitioner in context to the provisions of Section 23 (1)-A of the Act and the judgment of the Apex Court in **K.S. Paripooranan's** case (supra) regarding the liability of the petitioner to pay amount of the award as assessed by the Tribunal and this Court.

April 1, 2015
sanjay

(M.M.S.BEDI)
JUDGE