

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 3861 of 2013 (O&M)

DATE OF DECISION : December 15, 2015

Union of India

..... PETITIONER(S)

VERSUS

Kitab Singh & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Sarvshri Vivek Singla and Puneet Gupta, Advocates,
for the petitioner.
Mr. Ajay Jain, Advocate, for respondents No.1 to 3.
Mr. Ramesh Kumar, Asstt. Advocate General, Haryana,
for respondent No.4.

...

1. Whether Reporters of local newspapers may be
allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the
digest? YES/NO

...

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 23.04.2013, rendered
by the Executing Court, the judgment debtor was directed to
furnish its calculations by providing the benefit under Section 28
of the Land Acquisition Act, 1894, on whole of the amount of

compensation i.e. market value + 12 % additional price + 30% solatium, with a further direction to release the payment in favour of the land owners/decreed holders.

Having argued the matter at some length, learned counsel for the parties are ad-idem that the claim of the respondents-land owners (decree holders) has to be determined by the Executing Court, strictly in accordance with the decision rendered by the Hon'ble Supreme Court in Sunder vs. Union of India, AIR 2001 SC 3516, and a subsequent decision in Gurpreet Singh vs. Union of India, 2008(2) RCR (Civil) 207.

That being so, the matter is remitted to the Executing Court, to decide the execution petition strictly in accordance with law i.e. the decisions rendered by the Hon'ble Supreme Court in Sunder and Gurpreet Singh's cases (supra) and determine the claim of the land owners (decree holders) accordingly. As the matter has been pending for quite a while, Executing Court is directed to decide the same at the earliest and, in any case, within a period of three months from the receipt of the certified copy of this order.

Parties, through their counsel, are directed to appear before the Executing Court on 15.01.2016.

The revision petition stands disposed of.

DECEMBER 15, 2015
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(ARUN PALLI)
JUDGE