

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7994 of 2013 (O/M)
Date of decision : 24.8.2015

Zile Singh

..... Revisionist

Versus

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Chanderhas Yadav, Advocate, for the revisionist.

Mr. Samarvir Singh, Deputy A.G. Haryana,
for respondents No. 1 and 2.

Mr. Pankaj Maini, Advocate, for respondents No. 4 to 9,
36 to 39 and 41 to 50.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 26.10.2013 (Annexure-P-5), passed by the learned Additional District Judge, Hisar, vide which 20% of the amount lying deposited in FDR was ordered to be released to the decree-holders as per share of the parties.

I have heard learned counsel for the parties and have also carefully gone through the file.

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Learned counsel for the revisionist has argued that the land was acquired. In the execution proceedings for recovery of the enhanced amount of compensation, they had filed objections, in which the learned Additional District Judge, Hisar, had, vide order dated 4.6.2008, passed the following order :-

“In these circumstances, the objection petition filed by Zile Singh is accepted and parties to the proceedings are left at liberty to file civil suit to get their share determined as observed by learned Addl. District Judge, Hisar in judgment dated 30.1.1989. Meanwhile balance payment amount stated to be 20% if deposited by the JDs shall be deposited in the shape of FDR in the name of Court and shall be disbursed according to the decision of the civil court and if no civil suit is filed within the period of two month from today then, amount shall be disbursed as per revenue record of the acquired land. Execution proceedings are put into suspended animation and shall be revived again on the basis of decision if any passed by civil court or on the basis of application if any filed by either of the party in case no suit is filed within the period of two months from today. Meanwhile file be consigned to records.”

The learned counsel for revisionist has contended that the order releasing the amount is in contravention of the said order.

On the other hand, the learned counsel for respondents has argued that the civil suit was filed by the present revisionist, but the same was dismissed in default. The said suit was not restored

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when the impugned order was passed. Even an application to restore the said suit was dismissed in default later on. However, the learned counsel for the revisionist claims that another application has been filed for restoration of the suit.

I am of the view that the order dated 4.6.2008, passed by the learned Additional District Judge, Hisar, shows that the amount is to be released subject to the decision of the civil suit. Since the civil suit was dismissed in default and no application was filed for restoration of the same and the proceedings before the civil court had terminated, therefore, the executing court was justified in releasing the amount of 20%. However, it is observed that if the revisionist is successful in getting the said suit restored and obtains a decree, it shall always be open to the revisionist to execute the said decree and recover the said amount from the said respondents.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

24.8.2015
sjks