

In the High Court of Punjab and Haryana at Chandigarh

CR No. 975 of 2015 (O&M)
Date of decision: 17.03.2015

State of Haryana

.....Petitioner

Versus

Inderjit Gupta

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Gagan Preet Kaur, Assistant
Advocate General, Haryana
for the petitioner.
Mr. Ajay Jain, Advocate for the Caveator-respondent No.1

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SABINA, J

State has filed this petition challenging the order dated 7.1.2015 (Annexure P1) passed in execution petition filed by the decree holder.

I have heard the learned State counsel as well as the counsel for the caveator/respondent No.1 and have gone through the record available on the file carefully.

The decree holder has filed the suit for possession. The suit filed by the decree holder was decreed vide judgment/order dated 20.3.1981. Appeal filed by the State against the said judgment and decree was set aside by the Appellate Court vide order dated 23.4.1987. Thereafter, the decree holder approached this Court by way of Regular Second Appeal No. 2651 of 1987 which was decided on 5.3.2010 (Annexure P2). This Court, while disposing

of the appeal, has held as under:-

“12. Undisputedly, property was not acquired. It ought to have been acquired by the defendants before constructing Hospital. Article 300-A of the Constitution of India is akin to fundamental right. None can be deprived from his property otherwise than in accordance with law.

13. In my humble opinion in the peculiar facts and circumstances of the case, it would be justified to direct the defendant to pay compensation to the plaintiff for the disputed land after calculating the same as per market value fixed by the Collector in the year 1975 for the purpose of stamp duty to residential area. Defendants shall also pay interest thereon at the rate of 9% per annum from 01.04.1975 to till the time of actual payment. Entire payment is to be made within six months from today, failing which plaintiff would be entitled for the relief for possession.”

Thereafter, the decree holder approached the Executing Court by moving an application for execution of the judgment and decree. State filed objections in the execution proceedings. The said objections were dismissed by the Executing Court vide impugned order dated 7.1.2015(Annexure P1). State also approached this Court by moving Civil Misc. No.1211-C of 2015 in RSA No.2651 of 1987 seeking extension of time for compliance of judgment passed in RSA No.2651 of 1987 dated 5.3.2010 (Annexure P2). The said application was dismissed by this Court vide order dated 21.2.2015.

Since the decree holder is seeking execution of the

decree passed by this Court, the Executing Court had rightly dismissed the objections filed by the State. No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 17, 2015
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