

225.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.7913 of 2014

Date of decision:12.02.2016

Ram Phal and others

... Petitioners

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ajay Jain, Advocate,
for the petitioners.

Mr. Vikas Thakur, Advocate,
for Mr. Vivek Singla, Advocate,
for respondent No.3.

K.Kannan, J. (Oral)

1. The petition is for restoration of an execution petition filed just within limitation for recovery of amount due under the land acquisition proceedings. The award became final on 16.03.1992 as per orders of this court and when the execution petition was in progress, the counsel, who was conducting the case, appears to have died. The petition was dismissed for default after the death of the counsel's death on 10.11.2008 and the petitioner has himself not informed about the death of the counsel. He came to know about the same on 07.09.2010 and after he availed to himself the copy of the order, he moved an application for restoration on 20.09.2010 which

has been dismissed. The dismissal is erroneous and the court has failed to invoke a discretion appropriately in a situation where the government which has acquired the land and walked away without paying the adequate compensation which is assessed. In fact, the State ought not to even contest the application.

2. The order already passed is set aside and the revision petition is allowed. The Executing Court will take up the execution petition forthwith and dispose of it as expeditiously as possible.

(K.KANNAN)
JUDGE

12.02.2016
sanjeev