

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.8403 of 2016

Date of Decision:14.12.2016

Punjab State Mandikaran Board, Chandigarh and another

---Petitioners

versus

Mahesh Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Shekhar Kumar, Advocate
for Mr. Nitin Kaushal, Advocate
for the petitioners

REKHA MITTAL, J.

Counsel for the petitioners inter alia contends that though the petitioners have already discharged their liability qua payment of compensation in respect of the acquired land as the amount has been paid to Sohan Lal son of Piara Lal, brother of Satpal since deceased now represented by his legal representatives but still account of the petitioners

has been attached in the pending execution proceedings initiated at the behest of Mahesh Kumar and others on behalf of Satpal. It is further submitted that account of the petitioners has been attached vide order dated 29.10.2016 which is causing a lot of inconvenience for the petitioner-Board even to disburse salary to its employees. Further submitted that application for execution has been filed for recovery of Rs. 43,14,593.28/- plus interest at the rate of 6% per annum, from 1.7.2015 upto realization on the principle amount of Rs. 14,44,832.28/-, therefore, the account of the petitioners may be released from attachment and an amount of Rs. 50 Lakhs may be kept in reserve for satisfaction of the decree passed in favour of Satpal but subject to outcome of the pending regular second appeal and plea of the petitioners to be raised before the executing court.

In view of the submission made by counsel for the petitioners, the present petition is disposed of with a direction that the petitioners shall be allowed to operate the account maintained in Oriental Bank of Commerce by leaving an amount of Rs. 50 lakhs intact that may be required for satisfaction of the decree in execution whereof, warrants of attachment have been issued by the Executing Court. The question with regard to release of the said amount in favour of the decree holder is left open to be

decided by the Court below with liberty to the petitioners to raise available pleas before the Executing Court, in accordance with law.

(Rekha Mittal)
Judge

14.12.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No