

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

Civil Revision No.116 of 2017

Date of decision:- January 12, 2017

PREM SINGH

...PETITIONER..

VS.

STATE OF HARYANA AND OTHERS

....RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rajesh Sethi, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of instant civil revision petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of impugned order dated 03.12.2016 (Annexure P-9) passed by Id. Additional District Judge (I), Fatehabad adjourning the execution case No.80 to 01.04.2017 without any plausible reason, for hearing the objections in case bearing Execution Case No.81 as well as the application (Annexure P-8) for releasing the already deposited amount of compensation by respondents No. 1 to 3, is wrong and it would mount to ignoring the duty cast upon it for doing substantial justice as well as to prevent the misuse of process of law and justice by objector.

2. Undisputably, amount of compensation running in approximately Rs.2,37,14,836/- in respect of the land of Village Basti Bhiwan Tehsil and District Fatehabad acquired, belonging to the petitioner

has already been deposited by respondents No. 1 to 3 in the executing court. For the disbursal thereof, the petitioner moved an application, which has been adjourned by the executing court without any plausible or sound reason for a period of 4 months from 03.12.2016 to 01.04.2017.

3. Here, it would be pertinent to mention that till the disbursement of the amount to the petitioner, respondents No. 1 to 3 are liable to pay interest @₹15% per annum. Though, respondents have already deposited the amount with the executing court but it has not been received by the petitioner. The petitioner would suffer loss of interest of the period for which the amount would remain with the executing court. He would not be entitled to interest which again goes into lacs of rupees per month. Since, no objection has been filed in the instant execution case, therefore, executing Court can consider the release of deposited amount.

4. Keeping in view the amount of compensation, the petitioner would suffer loss without any sort of fault on his part. Thus, the instant petition is disposed of with the direction to the executing court to pre-pone the application and to decide the same expeditiously in accordance with law.

5. Disposed of.

January 12, 2017

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(JASPAL SINGH)

JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No