

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.1548 of 2017
Date of decision: March 03, 2017

Ashok Kumar ...Petitioner

Versus

Joginder Pal ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Rohit Nagpal, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 15.02.2017, passed by the trial court, whereby petitioner/judgment debtor has been directed to pay compensation to the respondent/decreed holder after determining value of the land allotted to the parties.

Learned counsel for the petitioner has assailed the order. He has submitted that approach of the trial court is erroneous and against law. According to him, the court below has wrongly assessed value of the land allotted to the parties. The decreed holder was not entitled to any compensation as there was no difference in the land allotted to the parties.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that the respondent/plaintiff filed a suit for

partition of land measuring 03 Kanals 03 Marlas, situated in village Raipur, District Yamuna Nagar claiming himself to be owner to the extent of 1/3rd share therein. A preliminary decree was passed on 19.01.2007 regarding separation of 1/3rd share of plaintiff by way of partition. Thereafter, plaintiff filed an application for passing the final decree. S.D.O. PWD (B&R) was appointed as local commissioner. Objections were also filed against the report of the local commissioner. After hearing both the parties, trial court passed final decree. Plaintiff as well as defendant filed separate appeals before the first appellate court. Vide judgment dated 10.07.2013, passed by District Judge, Yamuna Nagar, appeal filed by the defendant against judgment/decreed dated 14.2.2012 was allowed, whereas another appeal filed by him against judgment/decreed dated 29.04.2010 was allowed to the extent that trial court while implementing the final decree, would also award him the amount so as to compensate him for receiving portion having less monetary potential. In view of direction issued by the first appellate court, respondent/decreed holder Joginder Pal filed instant application before the executing court for assessment of amount to be paid to him. Application was contested by petitioner/judgment debtor. After hearing both the parties, executing court partly allowed the application and by assing compensation @ 2200/- per sq. yards, directed petitioner/judgment debtor to pay compensation of Rs.12,34,200/- within a period of ten days. Aggrieved, petitioner has filed the present revision petition.

I find no infirmity with the order passed. A perusal of impugned order shows that land allotted to the petitioner was commercial

in nature and abutting road on both sides, whereas land allotted to respondent was residential abutting road on one side. Thus, the executing court has not committed any error in granted compensation to the respondent. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 03, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No