

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

Date of Decision: 31.10.2017

1. CR No.7462 of 2016

**The Batala Improvement Trust, Batala through its Chairman
.....Petitioner**

Vs

**Krishan Kumar Puri (since deceased) through his LRs and
othersRespondents**

2. CR No.1397 of 2017

**The Batala Improvement Trust, Batala through its Chairman
.....Petitioner**

Vs

Kanwal Raj Puri and othersRespondents

3. CR No.1392 of 2017

**The Batala Improvement Trust, Batala through its Chairman
.....Petitioner**

Vs

Ashok Puri and othersRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Neeraj Yadav, Advocate for
Mr. Ashok Kumar Arora, Advocate
for the petitioner(s).

Mr. Ashwani Talwar, Advocate
for the respondent(s).

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CR No.7462 of 2016, CR
No.1397 of 2017 and CR No.1392 of 2017 are being disposed
of.

Bunch of six EFAs was decided by this Court on 23.12.2015. Para Nos.12 to 17 of the said order are to the following effect:-

“[12]. Order dated 02.08.2003, further reveals that rate of interest was adjudicated as per order dated 17.10.2002, interest is payable on the solatium and the claimants are entitled to 30% solatium on account of compulsory acquisition on the enhanced compensation. For the first year interest is to be calculated @ 9% per annum from the date of taking of possession and for subsequent years it is @ 15% per annum till realisation of the amount. In this way everything has been adjudicated and it is only the judgment-debtor who has to make good the payment.

[13]. Under the garb of furnishing calculations, judgment-debtors cannot stall the proceedings, even otherwise judgment-debtor being the Improvement-Trust is expected to maintain the record of credit and debit payments in official record.

[14]. Keeping in view the pendency of acquisition proceedings for the last more than 41 years, it is not expected from the land owners that they would maintain the record of each and every payment paid to number of co-sharers and after their death to number of legal heirs. If at this juncture, decree-holders are compelled to file calculations, it may prove to be of serious consequences and also keeping in view the number of deaths having taken place in the span of 41 years, number of persons would have come into fray in the capacity of legal heirs as well as vendees under the

original owners, therefore, the collection of information from such a lot would rather be an impossible task for the claimants.

[15]. In considered opinion of this Court, the filing of application for seeking direction to the decree-holders to furnish details of payment seems to be a calculated move to delay the proceedings which have already been delayed substantially. It is easy for the judgment-debtor to cull out the entries from their own record maintained by the Trust. The amount already paid under two different executions can be set off and the amount so enhanced by the Courts below can be paid by the judgment-debtor with reference to necessary calculations and relief clause in view of judgments rendered by the Courts.

[16]. I am of the considered opinion that decree-holders cannot be compelled to furnish calculations at this juncture, particularly when the acquisition started about 41 years ago and different awards have been passed. Number of executions have been filed and payments have been made therein.

[17]. At this juncture, where enhanced payments of compensation are to be made, issuance of direction to the decree-holders would be totally unjustified particularly when the necessary calculations can be furnished by the judgment-debtor from the record maintained by the Trust in due course of business. Moreover the similar prayer has already been declined by the Land Acquisition Tribunal vide order dated 28.08.2010. The said order having attained finality debars the judgment-debtor to rake up the issue once

again in the form of filing present petition in execution.”

In case of one of the decree holder namely Dev Raj Puri, the Executing Court passed the following order on 18.02.2016:-

*“Present:- Sh. B.S. Thakur, Advocate for
decree holders/applicants.*

Decree holder has moved an application to call the attached amount of JD and for issuance of refund voucher in favour of DH. Heard. Keeping in view the order dated 18.02.2016 passed in the execution application, application under consideration is hereby allowed. Refund voucher in the sum of Rs.2989959.67 paise as per calculations submitted by the DH be issued in favour of decree holder against proper receipt and after due identification. Papers be tagged with the main file after due compliance.

*Madan Lal,
CJ/SD/GSP/18.02.2016”*

Decree has already been satisfied. Respondents are real brothers of Dev Raj Puri and their LRs. Their cases are similarly situated with that of Dev Raj Puri in whose favour order dated 18.02.2016 has already attained finality.

These revision petitions can be disposed of by directing the Executing Court to strictly adhere to the observations made

by this Court in EFA No.19 of 2017 and other connected cases and disbursed the amount without being influenced by any calculation of higher interest by the landowners. Executing Court shall make every endeavor to dispose of the execution at the earliest.

Disposed of accordingly.

31.10. 2017

Prince

Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No