

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR Nos.8886 to 8888 and 8891 of 2015
Date of decision:28.4.2017**

Smt.Krishna Wanti through her LRs

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

These four identical revision petitions are being decided together vide this common order, as all these four civil revision petitions are arising out of same set of facts and directed against the identical orders passed by the learned Additional District Judge (Executing Court), whereby notice was issued to Smt.Veena Rani, who had already compromised the matter with the petitioners and received the amount of her share in the compensation, on account of acquisition of land.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare perusal of the impugned order dated 1.12.2015 passed by the learned court below will make it crystal clear that the earlier judicial

order at Annexure P-5 dated 17.1.2007 was not properly appreciated by the learned court at the time of passing the impugned order dated 1.12.2015. It is so said because Smt.Veena Rani had suffered a statement before the learned court on 17.1.2007 vide Annexure P-3 to the effect that she has received a cheque of Rs.15 lacs and would have no objection in case the amount of Rs.23,34,069/- is released in favour of her mother Smt.Krishna Wanti and others. The statement at Annexure P-3 was suffered by Smt.Veena Rani, on the basis of compromise arrived at between the parties.

Once the parties had arrived at an amicable settlement and Smt Veena Rani suffered the above-said statement before the learned court, learned Additional District Judge passed the following order dated 17.1.2007 (Annexure P-5):-

“Smt.Veena Rani wife of Harish Kumar is present today in the court. She has given the statement that she has received a cheque of Rs.15,00,000/- issued by Ekta wife of Rajinder on behalf of mother of Krishna Wanti. She has no objection if the award amount of Rs.23,34,069/- is given to her mother Smt.Krishna Wanti and thereafter she will receive Rs.15,00,000/- from that amount. Heard. Allowed. Smt. Veena Rani has relinquished her portion of share in favour of her mother Smt.Krishna Wanti in lieu of Rs.15,00,000/- which she shall be getting when the acquisition amount shall be released to her mother Krishna Wanti. Heard. Allowed. The share of Veena Rani stands merged with share of her mother. Smt.Krishna Wanti as per the compromise between Veena Rani and Krishna Wanti. Accordingly release voucher be prepared and amount be apportioned as per the share of all the other parties mentioned in the application.”

It is also not in dispute that the above-said orders passed by the

learned court of competent jurisdiction were never challenged by Smt.Veena Rani. However, when execution of the award dated 6.3.2014 in LAC No.351 of 2007 was sought by the petitioners, the learned executing court passed the order dated 1.12.2015, altogether ignoring the abovesaid order dated 17.1.2007 and issued notice to Smt.Veena Rani, in spite of the fact that she had already relinquished her remaining portion of share, if any, in favour of her mother Smt.Krishna Wanti in lieu of Rs.15 lacs.

It was also specifically recorded in the compromise (Annexure P-2) that after receiving the abovesaid amount of Rs.15 lacs, Smt.Veena Rani, shall not have any right, whatsoever, in the estate left by Shri Godar Mal Shah son of Shri Buta Shah or in the property standing in the name of Smt.Krishna Wanti or Rajinder Shah. Having said that, this Court feels no hesitation to conclude that once the parties have already settled the matter amicably, learned court should not have brought Smt.Veena Rani into this litigation again, as she had already received the amount of Rs.15 lacs qua her share and relinquished her right qua her remaining share, if any, in favour of her mother-petitioner herein. Under these facts and circumstances of the case, it can be safely concluded that the learned Additional District Judge exceeded his jurisdiction, while passing the impugned order and issuing notice to Smt.Veena Rani, who was no more in picture, because of which the impugned order cannot be sustained.

No other other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order has been found suffering

from patent illegality, it cannot be sustained. Accordingly, the impugned order dated 1.12.2015 is hereby set aside.

Resultantly, with the above-said observations made, all the four civil revision petitions stand allowed, however, with no order as to costs.

28.4.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No