

2. The brief facts are that the respondent/decreed holder has secured an award for compensation in respect of a land acquisition, which is sought to be executed in the aforesaid execution application. There is a dispute between the parties as to the amount which is due and payable under the said award. While the respondent/decreed holder claims that an amount of

Rs.2,09,102/- was due and payable as on 31.03.2016, according to the petitioners, an amount of only Rs.7,351/- is due and payable.

3. Looking to the nature of the dispute, this Court had directed the learned Registrar of this Court to ascertain the amount due and to report accordingly. The parties were directed to put their respective computations before the Registrar. The learned Deputy Registrar of this Court has accordingly submitted his report dated 27.03.2017, which is taken on record.

4. The learned Additional Government Advocate for the petitioners states that the computation made by the learned Deputy Registrar of this Court is correct, which is disputed on behalf of the respondent. In such circumstances, both the parties submit that the matter may be sent back to the Executing Court, for computation of the amount. In view of the nature of dispute, I find it appropriate that the Executing Court reconsiders the matter after hearing the parties, and in accordance with law.

5. In such circumstances and by consent of parties, the petition is disposed of in the following terms:

- (i) The impugned order is hereby set aside.
- (ii) The Executing Court shall compute the amount, which is payable to the respondent/decreed holder, under the award, afresh, after hearing the parties.
- (iii) It would be open to the Executing Court to take into consideration the computation made by the learned Deputy Registrar of this Court in his report dated 27.03.2017, a copy of which shall be sent to the learned Executing Court.
- (iv) Rival contentions of the parties, on the aspect of the computation of the amount, which is payable under the award, are left open to be considered by the Executing Court.
- (v) In the circumstances, there shall be no order as to costs.

**C.V. BHADANG, J.**

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