

CR No.4821 of 2015 (O&M)

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

CR No.4821 of 2015 (O&M)

Date of decision:30.08.2018

Sajjan Singh

... Petitioner

Vs.

Land Acquisition Collector Ludhiana and another ... Respondents

CR No.4988 of 2015 (O&M)

Kashmira Singh and others

... Petitioners

Vs.

Land Acquisition Collector Ludhiana and another ... Respondents

CR No.5460 of 2015 (O&M)

Bhajan Kaur (since deceased) through LR

... Petitioner

Vs.

Land Acquisition Collector Ludhiana and another ... Respondents

CR No.4389 of 2016(O&M)

Gurpeet Singh

... Petitioner

Vs.

Ludhiana Improvement Trust Ludhiana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.S.Boparai, Advocate
for the petitioner(s).

Mr. Vipul Sachdeva, Advocate
for respondent No.2 (in CR No.5460 of 2015).

Mr. Tarun Vir Singh Lehal, Advocate
for respondent No.2 (in CR No.4821 of 2015)
for respondent No.2 (in CR No.4988 of 2015)
for respondent No.1 (in CR No.4389 of 2016).

AMIT RAWAL J.(Oral)

This order of mine shall dispose of four revision petitions bearing Nos.4821, 4988, 5460 of 2015 and 4389 of 2016 filed on behalf of the landowners seeking execution of the award passed under Section 42 of the Town Improvement Act, 1922 (hereinafter referred to as “1922 Act”).

Mr. K.S.Boparai, learned counsel appearing on behalf of the petitioner(s) submitted that both the parties in support of outstanding due had submitted their statement of accounts only in Bhajan Kaur's case (since deceased through LRs) but not in other cases and the Court could not determine the exact amount as according to the petitioner, there is some short fall despite that execution application has been dismissed.

Mr. Tarun Vir Singh Lehal, learned counsel appearing on behalf of the respondent(s) submitted that calculations submitted were strictly as per the award containing the element of interest as the matter has already been decided upto the Hon'ble Supreme Court.

The revision petitions are accompanied by the applications seeking condonation of delay on the premise that earlier revision petitions were filed under Article 227 of the Constitution of India and in such process, the delay has occurred. The applications are supported by the affidavits. Reply to the application bearing No.17349-CII of 2015 in

CRNo.5460 of 2015 on behalf of respondent No.2, has been filed.

I have heard the learned counsel for the parties, appraised the paper book and of the view that delay is justified and is not intentional but bonafide. Accordingly, the delay in filing the revision petition is condoned. The applications seeking condonation of delay are hereby allowed.

On merit, I am of the view that the order is bereft of the reasoning vis-a-vis calculations submitted by the landowners. The Executing Court, if was in some doubt ought to have sought clarification by relegating the parties to some expert, thus, the impugned orders are not sustainable in law and hereby set aside.

Revision petitions are disposed of with a direction to the trial Court/Executing Court to consider the statement of accounts submitted by the parties and examine the outstanding dues from the award and other factors regarding deposit of part amount was in time or otherwise and in case necessity arises, assistance of the chartered accountant can also be taken.

(AMIT RAWAL)
JUDGE

August 30, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No