

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

131

**RSA No.5228 of 2017
Date of Decision: 07.09.2018**

Pankaj Arora

.....Appellant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPALPresent:- Mr. Ashish Grover, Advocate
for the appellant.

Mr. N.K. Banka, DAG, Punjab.

ANIL KSHETARPAL J.(ORAL)

Although technically this Court is of the considered view that the suit filed by the plaintiff was not maintainable. However, keeping in view the findings arrived at by the Court that appellant had undertaken the work of drilling of bore hole for tubewell as ordered by the defendants-respondents (State of Punjab), this Court is chosen to exercise its extra ordinary powers. Learned State Counsel frankly admitted that from the record, it is apparent that a bore was dug to the required depth and even in case, the bore dug was not find any portable water, still the contractor i.e. the appellant was entitled to rupees one lakh.

Keeping in view, the aforesaid undisputed position to which learned counsel for the appellant also has no objection, State of Punjab is

directed to at least hand over the undisputed amount to the appellant within a period of 3 months from the date of receipt of certified copy of this order. If the amount is not paid, the appellant shall be entitled to execute the decree and in that eventuality, the amount shall carry interest at the rate of 7.5 per cent from the date of institution of the suit till its realization.

Regular Second Appeal is disposed of.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

September 07, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No