

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

1) **CR-1760-2013 (O&M)**
Decided on : 09.12.2019

Kurukshetra Development Board, Kurukshetra

... Appellant(s)

Versus

Sanjay Kumar and others

... Respondent(s)

2) **CR-1762-2013 (O&M)**

Kurukshetra Development Board, Kurukshetra

... Appellant(s)

Versus

Sanjay Kumar and others

... Respondent(s)

3) **CR-1764-2013 (O&M)**

Kurukshetra Development Board, Kurukshetra

... Appellant(s)

Versus

Simla Devi and others

... Respondent(s)

4) **CR-1765-2013 (O&M)**

Kurukshetra Development Board, Kurukshetra

... Appellant(s)

Versus

Simla Devi and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S. Bedi, Advocate
for the petitioners(s).

Mr. Rajesh Goyal, Advocate
for respondents No.1 to 6 (in CRs-1760 & 1762-2013)
for respondents No.1 to 5 (in CRs-1764 & 1765-2013).

Mr. Rajbir Singh, AAG, Haryana.

MANJARI NEHRU KAUL, J.

This order will dispose of four cases i.e. CR-1760-2013, CR-1762-2013, CR-1764-2013 & CR-1765-2013, as all the revisions petitions have arisen out of the same order.

The instant revision petition under Article 227 of the Constitution of India, has been filed for setting aside the order dated 18th January, 2012, passed by the Ld. Additional District Judge, Kurukshetra (hereinafter referred to as 'Ld. Executing Court').

It is contended that in the impugned order dated 08.11.2012, Ld. Executing Court recognized the fact that the judgment debtors had paid the amount in excess, which was actually payable to the decree-holder, however, the Ld. Executing Court erred in giving concrete finding *qua* the exact amount due towards the petitioner Board.

Heard.

In this factual background, counsel for the petitioners has submitted that the matter be remanded back to the executing Court to decide the execution petition(s) afresh after giving appropriate opportunity of hearing to the parties to make their contentions.

Counsel for the respondents, who are present in Court also submitted that they would have no objection, if the matter is remanded back to decide the issue afresh, after considering the rival contentions of both the

parties, in the said regard.

Consequently, the order dated 08.11.2012 is set aside and the matter is remanded back to the executing Court for a fresh decision, after affording an opportunity of hearing to the parties.

Parties are directed to appear before the Ld. Executing Court on 14.01.2020.

The revision petitions stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

December 09, 2019

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No