

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

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CR No.2855 of 2017 (O&M)

Date of Decision: 1.4.2019

**GREATER MOHALI AREA DEVELOPMENT AUTHORITY THR
ESTATE OFFICER**

.....Petitioners

Versus

BALDEV SINGH AND ANR.

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.R.S.Khosla, Sr. Advocate with
Mr.Sarvesh Malik, Advocate
for the petitioners.

Mr.Naresh Kaushik, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

Admittedly, RFA No.4343 of 2014 is pending in this Court, wherein 50% of the award passed by the reference Court was stayed and the remaining 50% of the amount arising out of the award was ordered to be disbursed to the rightful claimants subject to furnishing of adequate security to the satisfaction of the executing Court. Perusal of the impugned order would show that the application filed by the judgment debtors for adjourning the execution *sine die* was dismissed. Judgment debtors/ petitioner demonstrated before the executing Court that in the appeal/ RFA filed before the High Court, an application under

Order 41 Rule 27 CPC was filed on discovery of a new fact in respect of 10% of the non-litigation premium having been paid to the claimants and, therefore, claimants are not entitled for 50% of the enhanced amount by the reference Court or to file any further appeal for enhancement. Evidently, in the pending RFA, an application was filed on that premise, but the same has been withdrawn.

In my considered opinion this is not the scope of the present revision petition as this Court cannot review /recall the order passed by the Coordinate Bench in RFA No.4343 of 2014.

This revision petition is accordingly dismissed with liberty to the petitioner to avail its legal remedy in accordance with law.

April 01, 2019
anita

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No