

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 236

CR-871-2019

Date of decision : 13.09.2019

Ranjana Goel

..... Petitioner

VERSUS

Sham Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajesh Goyal, Advocate, for
Mr. Pritam Saini, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 22.10.2018, passed by the Additional Civil Judge (Senior Division), Kurukshetra (for short, the Executing Court), through which the objections filed by the petitioner to the respondents' execution petition have been dismissed.

Learned counsel for the petitioner submitted that respondents No. 1 and 2 filed a suit seeking therein possession of half share of total land measuring 34 kanals and 6 marlas. Such claim was based by them on an agreement to sell dated 15.03.2003. On 04.12.2010 the Trial Court decreed respondents No. 1 and 2's suit with costs. However, they were held entitled to only 1/4th and not 1/2nd share of the aforesaid 34 kanals and 6 marlas of land. The aforesaid decree by the Trial Court was affirmed by the First Appellate Court as also by this Court. According to the learned counsel for the petitioner since respondents No. 1 and 2 were granted half the relief claimed by them they would also be entitled to half the costs of their suit.

A perusal of the decree dated 04.12.2010 reveals that respondents No. 1 and 2's suit was decreed with costs. Such costs were

quantified in the decree itself @ ₹86,701/- as this was the amount of Court fee paid by respondents No. 1 and 2. Admittedly, another amount of ₹18,700/- was also paid by respondents No. 1 and 2 to make good deficiency of Court fee.

Once respondents No. 1 and 2's suit has been decreed with costs and such costs had also been quantified in the decree itself to be the entire Court fee paid by them, no error is found in the order of the Executing Court holding them entitled to the refund thereof. In the afore facts it is immaterial that only half of the relief as prayed for by them was granted.

Dismissed.

13.09.2019
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No