

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3716 of 2019 (O&M)

Date of decision:30.05.2019

Bhagat Ram

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Harkesh Manuja, Advocate with
Mr. Karan Kaushal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present revision petition has been filed expressing attenuation and exigency for issuance of appropriate directions to the Executing Court for expeditious disposal of the execution application bearing No.141 of 2019 pending in the Court of Mr. Gurjant Singh, Additional District Judge, Hoshiarpur bearing UID No.PB0080.

Mr. Harkesh Manuja, learned counsel assisted by Mr. Karan Kaushal, Advocate appearing on behalf of petitioner submitted that in pursuance to the acquisition of land of petitioner, an award dated 07.08.2018 in LAC No.2 dated 21.11.2013 came to be passed whereby amount of compensation was enhanced granting statutory benefits. Though as per provisions of Order 21 Rule 22 of Code of Civil Procedure, notice to the opposite party, in case execution application is filed within two years from the date of decree, is not required, to be issued, but zimni orders

extracted in grounds of revision petition reveals that Court below in a very casual and normal manner issued notice to opposite party and on receipt of memo of appearance also observed with regard to filing of objections, despite the next date of hearing i.e. 20.05.2019, ordered for attachment of the property on filing of process fee.

He further submitted that son of the petitioner is suffering from very serious neurological problem i.e. muscular dystrophy and is on ventilator as reflected from the medical record of Dayanand Medical College & Hospital, Ludhiana, Annexure P-2 and thus, urged this Court for issuance of directions to the Executing Court for expeditious disposal of execution application being in urgent need of money, for, Rs.50 lakhs had already been spent on his son's serious ailment as per the averments in petition accompanied by an affidavit. The daily expenses are not less than Rs.12,000/-.

I have heard learned counsel for the petitioner and appraised paper book.

The factum of filing of an application, award, order issuing warrant of attachment for 06.09.2019 and medical record placed on record, are not in dispute. The plea of serious ailment accompanied by an affidavit, *prima facie*, seems to be correct as no sane person would come to the Court with such false excuse regarding ailment of his son. The enhanced amount awarded as per the information provided to Mr. Harkesh Manuja, Advocate is Rs.4,41,00000/.

Since the petitioner-decree holder has received a sum of Rs.93 lakhs, I deem it appropriate to dispose of the revision petition with a direction to Mr.Gurjant Singh, Additional District Judge, Hoshiarpur bearing UID No.PB0080 for expeditious disposal of the execution application bearing No.141 of 2019 within a period of six months from the date of receipt of certified copy of this order.

(AMIT RAWAL)
JUDGE

May 30, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No