

CR No.6305 of 2019

Date of Decision: 16.10.2019

The Haryana State Industrial and Infrastructure Development Corporation
Limited (HSIIDC)

.....Petitioner

Versus

Om Parkash and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. P.S. Saini, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition is filed against the order dated 14.03.2015, passed by the Additional District Judge, Gurugram (for short, the trial Court), vide which, the execution application filed by the respondent being co-sharer, was allowed.

The only arugment raised by learned counsel for the petitioner is that the respondent/herein chose to adopt the remedy of filing the execution only on the ground of being a co-sharer instead of filing an application under Section 28-A of the Land Acquisition Act, 1894 (for short, the Act). In case the respondent had filed an application under Section 28-A of the Act then he would have been bound by the judgment rendered by various Courts as well as rendered by Hon'ble Division Bench of this Court in case Prem Singh Vs. State of Haryana and another, 2017 (3) R.C.R. (Civil) 680, vide which, the Collector cannot proceed with redetermination of the compensation till such time, the appeal against the order of the reference Court is pending before the Higher Court, which is not available in the remedy availed by the respondent. Therefore, in case the

CR No.6305 of 2019

amount is disbursed to the respondent, the petitioner/herein shall have no remedy of recovery in case their appeal is allowed.

Admittedly, no stay has been granted in the appeal filed by the petitioner against the award before the High Court. Therefore, there is no reason as to why the amount should not be paid to the respondent herein as per his share and as has also been paid to the other similar situated co-sharers/respondents in the appeal filed by the petitioners.

Accordingly, the present revision petition is dismissed being devoid of merit. However, it goes without saying that the respondent will be bound by the outcome of the appeal bearing RFA No.4959 of 2015.

16.10.2019

sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No