

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

CR No.8409 of 2016

Date of decision: 20th January, 2020

M/s Oriental Archiectonics Ltd.

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. V.K. Sachdeva, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. Dy. Advocate General, Punjab
for the respondents.

FATEH DEEP SINGH, J.

The Court of learned Civil Judge (Senior Division), Rupnagar vide judgment and decree dated 14.09.2001 made award dated 08.02.2000 rule of the Court and which decision went in favour of the present revisionist M/s Oriental Archiectonics Ltd. and against the State of Punjab, Chandpur Construction Division, SYL Canal Project, Punjab. The State of Punjab filed a civil appeal No.161 of 17.10.2001 and vide judgment and order dated 25.11.2003 the Court of learned District Judge, Ropar dismissed the appeal. It is subsequent thereto the decree-holder filed execution for satisfaction of the award and it is therein the impugned order dated 17.11.2016 (Annexure P1) was passed by the Court of learned Civil Judge (Senior Division), Rupnagar. The same has been challenged before this Court in this revision.

Heard Mr. V.K. Sachdeva, Advocate for the petitioner, Mr.C.L. Pawar, Sr. Dy. Advocate General, Punjab on behalf of the respondents and perused the records of the case.

During the course of addressing of arguments, learned counsel for the petitioner Mr. V.K. Sachdeva, Advocate and Mr.C.L. Pawar, Sr. Dy. Advocate General, Punjab representing the respondents have agreed that as per the award there were different claims, in all numbering more than eleven, along with counter-claims and different rates of interest have been allowed thereon and so is the stipulation from which date the interests are to be calculated and till when, and therefore, needs to be calculated by an expert in this field. Both the learned counsel have prayed that before the Court below there have been disconcordant stands over such an intricate issue over calculations and that the controversy can only be set at rest by proper calculations by a person expert in this field.

As has been submitted by learned counsel for the two sides and on perusal of the records, it is certainly a job of an expert in the field of making such calculations in the light of the final judgment and decree which has attained finality. Thus, the matter is disposed off and remanded back to the Executing Court with direction to appoint an expert of good standing from an institution of repute well conversant in making such calculations, charges for which will be equally borne by the parties and after receiving the report of the expert, the Executing Court would call

upon both the contesting sides to file their stands and objections, if any, to these calculations and thereafter, the Executing Court would pass orders thereon. In the light of the same, present revision petition stands disposed off. Records be sent back forthwith.

(FATEH DEEP SINGH)
JUDGE

January 20, 2020
rps

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