

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

120

(Through Video Conferencing)

CR-1004-2020

Date of decision: 14.03.2022

CHANPREET SINGH

.....Petitioner

Versus

RANJIT KAUR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arvind Kashyap, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for quashing the order dated 27.01.2020 annexed as Annexure P-1 passed by learned Additional District Judge Fatehgarh Sahib whereby it was ordered to disburse DRO to the respondents No.1 to 4 and to the petitioner-plaintiff to the extent of 1/8 share.

Learned counsel for the petitioner *inter alia* contends that while passing the impugned order the learned trial Court failed to take into account that the petitioner-plaintiff was entitled to 1/3rd share in the compensation amount in the eventuality of he succeeding in the suit and since the compensation already stood disbursed, he would be unable to recover the same from the applicants respondents No.1 to 4. Learned counsel further submitted that the respondents would not have suffered any loss in case the amount was disbursed after the decision of the civil litigation which was pending between the parties, who admittedly were closely related.

I have heard learned counsel and perused the relevant

material placed on record including the impugned order.

The petitioner-plaintiff filed civil suit claiming himself to be the owner in possession of the suit property mentioned in head note "A" of the plaint on the basis of oral family settlement dated 25.12.2000 with consequential relief of permanent injunction for restraining the respondent defendants through their servants/agents from alienating the suit property by sale, exchange of gift etc. and also from interfering into his peaceful possession as well as from dispossessing the petitioner-plaintiff from the suit property. The civil suit filed by the petitioner-plaintiff was dismissed by the trial Court vide detailed judgment dated 18.05.2017. Thereafter, respondents Ranjit Kaur, Sarabjit Kaur, Baljit Singh and Gurcharan Singh moved an application for issuance of the DRO in their favour claiming themselves to be the co-owners in the property comprising in khewat No.345/340, khatoni No.542, khasra No.62//20/2 (2K-7M) i.e. to the extent of 1/4 share each of applicants No.1 and 2, 3/16 share of applicant No.3 and 3/16 share of applicant No.4, whereas the respondent No.2 was entitled to 1/8th share in this property. The aforementioned property was acquired by the Indian Railways for special railway projects and District Revenue Officer, Fatehgarh Sahib passed an award No.03/2011-12 of village Rajindergarh. Value/cost of the share of applicants was assessed at Rs.18,23,327/-. Resultantly payment of Rs.25,59,054/- was deposited with the Court vide cheque No.017336 dated 26.07.2013 in case titled as 'Chanpreet Singh Vs. Baljit Singh' at serial No.85. The application was decided vide impugned order dated 27.01.2020 by the learned ADJ Fatehgarh Sahib after relying upon the revenue records and calculating

the shares of each of the parties entitled to the compensation award. The learned counsel has failed to bring to the notice of this Court or point out any irregularity much less illegality in the impugned order which would warrant the interference of this Court.

However, the disbursement of the amount by the lower appellate Court would be subject to the outcome of the civil litigation between the parties. The aggrieved party if so advised would be at liberty to avail of a remedy available to it at the conclusion of the above noticed civil proceedings. With the above observations, the petition is disposed of.

14.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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