

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

**CR No. 674 of 2022
Date of decision: 02.03.2022**

Gurdeep Singh and another Petitioners.

Versus

Baljinder Singh and others Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Atul Goyal, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have impugned the order dated 24.12.2021 (Annexure P8) whereby their application directing deposit of the compensation amount for acquisition of land in the Court has been dismissed.

Learned counsel for the petitioners contends that the petitioners had entered into an agreement to purchase 29 kanal 16 marla of land from the respondents. The respondents did not execute the sale deed although the petitioners were present before the Registrar on the due date. They thereafter preferred a suit for specific performance of the agreement to sell on 20.09.2017 which is pending adjudication before the trial Court. The land in question, which belongs to the respondents and was the subject matter of the agreement to sell, was acquired by the Government under the National Highways Act, 1956. The compensation, which would fall in the share of the respondents, should be deposited in the Court, as in case the compensation is disbursed to the respondents, the petitioners would find it difficulty to recover the amount in the event of their suit being decided in their favour.

Heard. The suit of the petitioners for specific performance is pending adjudication before the trial Court. The compensation for the acquisition of land would be payable to the owners. The petitioners at this stage before adjudication of their suit for specific performance cannot be held to be entitled to the compensation. There is nothing to indicate that the respondents did not have a clear title. Therefore, I do not find any infirmity in the impugned order (Annexure P8) declining the application of the petitioners.

At this stage, learned counsel for the petitioners contends that the suit of the petitioners for specific performance in which evidence has already been completed is pending adjudication for over five years and, therefore, the trial Court be directed to decide the same expeditiously.

In view of the above, the petition is disposed of with a direction to the trial Court to decide the suit of the petitioners within a period of five months from now.

02.03.2022
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

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