

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

**EFA-8-2019 (O&M)
Date of decision : 25.07.2022**

Ajaypal Singh & Anr.

... Appellant(s)

Versus

Karamjit Kaur & Ors.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. K.S. Bassi, Advocate for the appellants.

Mr. Ashish Soi, Advocate for respondent Nos.1 to 3.

ALKA SARIN, J. (ORAL)

The dispute in the present case is qua the recovery of the enhanced compensation as determined by this Court in FAO No.6646 of 2010 vide order dated 04.07.2014.

Learned counsel for the appellants would contend that vide order dated 05.11.2011 an amount of Rs.92,189/- was directed to be recovered from the judgment-debtors as arrears of land revenue and the amount was to be released to the decree-holders. Learned counsel for the appellants would contend that while calculating the outstanding amount, the said amount has not been factored into. He would further contend that though the claim petition had been filed by the widow, two children and parents of the deceased, however, the execution petition was filed only on behalf of the widow and two minor children and not on behalf of the parents of the deceased. It is further contended that the entire amount cannot be released to the three claimants in the absence of the parents of the deceased,

who were also the claimants in the claim petition and were the parties before this Court in FAO No.6646 of 2010.

Per contra, learned counsel for respondent Nos.1 to 3 would contend that as per the report of the *Nazir* only an amount of Rs.2,24,000/- was deposited by the judgment-debtors and no further amounts were deposited by them. It is further the contention of learned counsel for the respondent Nos.1 to 3 that the father of the deceased namely, Dalbara Singh, had died prior to the filing of the second execution application. It is, however, admitted that the mother of the deceased namely, Amarjit Kaur, died in the year 2019 and no efforts have been made to bring on record the legal representatives of Dalbara Singh and Amarjit Kaur.

Keeping in view the fact that there appears to be discrepancies in the calculations inasmuch as the amount of Rs.92,189/- which was ordered to be recovered as arrears of land revenue from the judgment-debtors has not been factored into while arriving at the calculations as also the fact that the legal representatives of Dalbara Singh and Amarjit Kaur have not been impleaded, I deem it appropriate to set aside the impugned order dated 31.05.2019 and to remand the case to the Executing Court to determine afresh the liability of the judgment-debtors after ascertaining as to whether the amount of Rs.92,189/- was recovered as arrears of land revenue. However, the amount of Rs.15,00,000/- deposited pursuant to order dated 23.07.2019, which has been invested in an FDR in a nationalized bank, shall be maintained till the decision of the execution petition.

The parties are directed to appear before the Executing Court concerned on 10.08.2022 at 10.00 A.M.

Keeping in view the fact that the award in the present case pertains to the year 2010, the Executing Court is requested to expedite the hearing of the matter.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

25.07.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO