

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

**CR-2262-2017 (O&M)
Decided on:-12.07.2023**

Union of India and anotherPetitioners..

vs.

Bua Ditta Mal and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Gosain, Advocate,
for the petitioners.

Mr. Vishal Aggarwal, Advocate,
for respondent No.1.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been made to an order dated 23.08.2016 passed by the court of learned Additional District Judge, Pathankot, whereby the objections moved at the instance of petitioners to an execution application filed by the respondents-landowners have been rejected.

2. In the present case, land owned by respondents was acquired in pursuance of notifications dated 17.11.1979 and 19.11.1982, issued under Sections 4 & 6 of the Land Acquisition Act, 1894, wherein the proceedings qua determination of compensation came to be decided by the reference Court vide award dated 02.02.1990. Based thereupon, the landowners filed execution application.

3. A perusal of order dated 23.08.2016 passed by the Executing

Court shows that while referring to the statement made by one Mukesh Kumar, appearing on behalf of the petitioners, deficiency in their calculation has clearly been delineated. The relevant portion of the same is reproduced hereunder:-

“....he admitted that Ex.R4 in column No.1 solatium is not added towards amount of Rs.56,994/-. Similarly solatium is not added in amount of Rs.1,68,169/-. Solatium has been added on the amount of Rs.1,11,175/-. He admitted that 9% and 15% is shown in column No.6 and 7 and same has not been added on the solatium of 12% increase. He admitted that solatium and increase of 12% is also included in the definition of market prize. He denied that Bua Ditta is entitled to receive the difference compensation and denied that a sum of Rs.2,22,142/- after adding the interest on balance amount of Rs.52141.96 paise and interest at the rate of 15% from 30.05.1992 to 03.10.2012 is the entitlement of Bua Ditta.”

The aforementioned statement even finds corroboration from the statement of calculation submitted under the signatures of Defence Estates Officer, Pathankot Circle, Pathankot. Moreover, no application was ever made by the petitioners before the executing Court for re-calling of the statement made by Mukesh Kumar.

4. Equally important, nothing substantial to the contrary has been pointed out from the records, so as to question the veracity of the statement made by Mukesh Kumar, therefore, finding no illegality or perversity in the order dated 23.08.2016 passed by the Executing Court, the present petition is dismissed.

12.07.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No