

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

CR-981-2018 (O&M)
Decided on:-16.08.2023

Union of India and anotherPetitioners ..

vs.

Ujjagar Singh (deceased) son of Onkar Singh thr. his LRs.Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K. Sharma, Advocate for the petitioners.

Mr. DS Brar, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to the orders dated 07.08.1993 and 20.12.2017 passed by the Executing Court, whereby, warrants of sale of petitioner's property, were issued.

2. Briefly stating, the land owned by respondents was acquired way-back in the year 1974, wherein award under Section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act") was passed on 25.05.1975. Aggrieved thereof, the respondents sought reference under Section 18 of the 1894 Act, which came to be decided vide award dated 16.04.1979. Still aggrieved, the respondents filed first appeal, which was disposed of by this Court vide judgment dated 06.11.1980 and LPA against the same was dismissed on 16.12.1981, however, the SLP filed before the Hon'ble Apex Court came to be decided on 07.08.1993.

3. Based on the aforesaid determination of compensation, the respondents filed execution application, wherein, objections were raised at

the instance of petitioners while submitting that the respondents were entitled for interest on the solatium @ 15 % instead of 30% with interest @ 6%. The aforesaid objections were dismissed by the Executing Court vide order dated 07.08.1993, which was assailed by way of CR No.465 of 1994. The said civil revision was dismissed for non-prosecution vide order dated 06.01.2011. Much later, an application for recalling of the order dated 06.01.2011 was moved at the instance of the petitioners, which came to be rejected by this Court vide detailed order dated 28.11.2014. As a result thereof, the order dated 07.08.1993, passed by the Executing Court finding the respondents to be entitled for solatium and interest under the amended provisions of 1894 Act @ 30%, became final and the petitioners even continued to face the execution proceedings in furtherance thereof.

4. As an offshoot of the aforementioned execution proceedings, the Executing Court vide order dated 20.12.2017, issued warrants of sale of the property owned by the petitioners/judgment debtors.

5. By way of present revision petition, the petitioners assailed the orders dated 07.08.1993 and 20.12.2017 passed by the Executing Court again reiterating that the respondents-landowners were not entitled for solatium and interest as per the amended provisions of 1894 Act and thus, the attachment of their properties was bad in law.

6. I have heard learned counsel for the parties and have gone through the paper book, I am unable to find substance in the submissions made on behalf of the petitioners.

7. Once the order dated 07.08.1993, passed by the Executing Court, in favour of respondent-landowners by holding them entitled for

increased solatium @ 30% on the enhanced amount of compensation, besides award of interest @ 9% for one year from the date of taking possession and @15% interest till deposit thereafter, was upheld by this Court in CR No.465 of 1994, the petitioners could not have assailed its validity afresh by way of filing present revision petition in the wake of doctrine of finality to the proceedings. Besides it, the order dated 20.12.2017, passed by the Executing Court whereby the warrants of sale as regards the property of the petitioners/judgment debtors have been issued, being merely an offshoot of order dated 07.08.1993 as the petitioners/judgment debtors have failed to discharge their liability under the judgments passed by this Court in favour of respondents-landowners/deed-holders thus, warrant no interference.

8. Accordingly, in view of the discussion made herein above, finding no merit in the civil revision petition, the same is dismissed.

9. Pending application(s), if any, shall stand(s) disposed of.

16.08.2023
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(HARKESH MANUJA)
JUDGE

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