

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

252

CR-1520-2020

Date of Decision: 11.08.2023.

GURMAIL SINGH DECEASED THROUGH LRSPETITIONERS

VS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. D.R. Bansal, Advocate
for the petitioner.

Mr. S.S. Aulakh, AAG, Punjab.

Mr. Anuj Balyan, Advocate for respondent No.3.

HARKESH MANUJA, J. (ORAL)

The instant petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 12.12.2019 passed by the learned trial Court.

Learned counsel for the petitioners submits that in pursuance to an award dated 31.01.2017, the petitioners were entitled to 1/5th of the enhanced amount of compensation on account of the share of their deceased father, namely, Sh. Gurmail Singh who was one of the land owners of the acquired land. He further submits that the claim of the petitioners stood declined by the Court below on the basis of settlement Ex.R-1 i.e. compromise dated 13.04.2014, whereby the respondent No.3 and others were to pay a sum of Rs.50 lacs to the petitioners only against the amount received by them in pursuance to the award passed by the

Collector qua the share of their deceased father, namely, Gurmail Singh which could not be adjusted towards their share as regards the enhanced amount of compensation.

On the other hand, learned counsel for respondent No.3 submits that as per settlement dated 13.04.2014, the petitioners were entitled to a sum of Rs.50 lacs only against the share of their deceased father, namely, Gurmail Singh as full and final amount and as such they were not entitled to claim any amount against the enhancement awarded by the Reference Court on 31.01.2017. He further submits that the petitioners have already filed a civil suit for recovery against respondents and, thus, the order passed by Adjudicating Court is of no help to their case.

Having argued at length, however, learned counsel for respondent No.3 still submits that in case the petitioners are permitted to withdraw the amount of their share i.e. $\frac{1}{5}^{\text{th}}$ of the enhanced amount of compensation as awarded by the Reference Court vide decision dated 31.01.2017 against requisite surety, the private respondent would not raise any objection to it as their rights would finally be determined in the civil litigations pending between the parties before the Court below, in the shape of a suit for recovery filed at the instance of petitioners and suit for declaration filed by the private respondent. To this learned counsel representing petitioners submits no objection.

In view of the consensus arrived at between the parties, the present petition is disposed of with a direction that the petitioners shall be at liberty to withdraw $\frac{1}{5}^{\text{th}}$ of the enhanced amount as awarded by the Reference Court, against surety, to the satisfaction of the Executing Court

and the same shall be subject to final determination of the rights of the parties in the pending civil litigation.

11.08.2023

(HARKESH MANUJA)
JUDGE

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