

**IN THE HON'BLE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

C.R. No.1688/2019

Date of decision: 10/03/2023.

Union of India & Anr.

...Petitioners

Versus

Parlad Singh & Anr.

...Respondents

C.R.No.1704/2019

Union of India and others

.....Petitioners

Versus

Pardeep Kaur and another

.....Respondents

CORAM:- Hon'ble Ms. Justice Nidhi Gupta

**Present:- Mr.Jagjot Singh,Advocate for
 Mr. R.S.Madan, Adocate for the petitoners**

**Mr.Sahil Soi,Advocate
For respondent No.1 in CR 1688/2019**

None for respondent no.1 in CR 1704/2019

Nidhi Gupta, J.(Oral)

1. Vide this common order both the aforementioned Civil
Revisions, being interlinked, shall be decided.

2. On the last date of hearing this Court was informed that
the present matters have been rendered infructuous. Learned proxy counsel

appearing for the petitioners had sought time to get proper instructions in the matter.

3. Challenge in the present revision petition is to the Order dated 08.02.2019 (Annexure P-6), vide which the Ld. Executing Court dismissed the objections filed by the Petitioner herein; and allowed the execution application (Annexure P-4) filed by respondent No.1 for the execution of the order dated 3.2.2016 (Annexure P-3) passed by this Court in FAO No.5098 of 2014.

4. It is apt to mention here that during the pendency of the present revision petition, vide Order dated 03.09.2019 passed in **CA No. 6981-6982 of 2019** titled '**Union of India & Anr. Vs. Balwant Singh**', the Hon'ble Supreme Court has set aside the order under execution viz order dated 03.02.2016 passed in FAO No. 5098 of 2014, and remanded the matter back to this Court, which is stated to be pending for 4.5.2023.

5. Ld. Counsel for the parties are accordingly, in agreement that resultantly, present revision petition has been rendered infructuous.

6. It is however, submitted by Id. Counsel for the petitioner that in response to the execution application (Annexure P-4) filed by the respondent no. 1, the petitioner filed objections (Annexure P-5) stating therein that Respondent No. 1 concealed the fact that against the arbitral award, an objection under Section 34 petition was filed in the Court of Sh. Manjinder Singh, Additional District Judge which was dismissed vide Order dated 18.02.2012. Against the said Order, no appeal under Section 37 was filed and as such, there is no decree in favour of the Respondent No. 1.

However, the said objections were dismissed by the Ld. Court below vide impugned order dated 08.02.2019 (Annexure P-6).

7. It is submitted by Id. Counsel for the petitioner that the legal issue involved in the present civil revision petition is whether the enhancement of compensation can be claimed without a valid decree in favor of Respondent No. 1. Respondent No. 1 is seeking the execution of the order of this Court in which he was not a party. Admitted is the position, that Respondent No. 1 had not filed any appeal under Section 37 of the Arbitration & Conciliation Act, 1996 before this Court. In support of his contention, Id. Counsel relies upon judgments of the Hon'ble Supreme Court as well as this Court to submit that it is well settled that without seeking a reference, the landowner or the co-sharers cannot claim enhancement.

8. Ld. Counsel for the petitioner submits that though there is no dispute that the present revision petition has been rendered infructuous however, it is prayed that while disposing of the revision petition, the question of law may be kept open.

9. It is submitted by Id. Counsel for the respondent no. 1 that in the meantime, respondent no. 1 has also filed an appeal under Section 37 of the Arbitration & Conciliation Act, 1996, the same being FAO no. 5338 of 2022, which is also pending for 4.5.2023.

10. Be that as it may, in view of the facts and submissions as noticed above, the present revision petition is disposed of being infructuous, however, the question of law is kept open.

11. Pending applications, if any, stand disposed of.

12. Photocopy of this order be placed on the file(s) of connected matter(s).

March 10,2023
Joshi

(Nidhi Gupta)
Judge