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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2181-2023 (O&M)

Date of decision: April 17, 2023

Kanwar Naresh Singh Sodhi

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Vivek Suri, Advocate for petitioner.

Ms. Anju Sharma Kaushik, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petition herein is for issuance of a direction to learned Civil Judge (Junior Division), Guruhar Sahai to decide Executing Petition No.41 of 2015 titled as "Kanwar Naresh Singh Vs. State of Punjab and others" (Annexure P-3) in a time bound manner.

2. Learned counsel for petitioner would contend that suit filed by petitioner for issuance of a decree of mandatory injunction against respondent to pay compensation along with interest @ 18% per annum as his land owned by him was utilized by respondent-State without being acquired, was decided on 13.08.2014 vide judgment (Annexure P-1). Thereby, a mandate was issued to respondents to make payment of compensation after acquiring suit land within a period of six months from the date of decree failing which petitioner would be entitled to recover possession of land from respondents. Aggrieved, respondents assailed said judgment, which was dismissed by learned District Judge, Ferozepur, on 28.11.2016. Further, RSA-3843-2017 was preferred by State, which was also dismissed vide judgment and decree dated 02.08.2017 (Annexure P-2). He also

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contends that petitioner filed an execution petition bearing No.41 of 2015 (Annexure P-3) before learned Additional Civil Judge (Senior Division), Guruhar Sahai. Respondents No.1 to 5, 6, 7, 8, 10, 11, and 12 filed objections which were dismissed by learned Executing Court. Thereafter, respondents No.1 to 5 filed separate supplementary objections just to delay the proceedings unnecessarily. He contends that petitioner also filed CR-1713-2022, which was decided vide order dated 05.05.2022 (Annexure P-12). Supplementary objections were also dismissed on 26.07.2022. Aggrieved, respondents moved an application under Order XXI Rule 66 of CPC, which was dismissed vide order dated 28.09.2022 (Annexure P-15). On 04.10.2022, learned Executing Court also asked Deputy Commissioner, Ferozepur to execute warrants of possession, but possession has not been delivered.

3. I have heard learned counsel for parties and gone through the case file.

4. Ordinarily this Court would not have interfered since petitioner has already availed remedy by filing an earlier Civil Revision No.1713 of 2022, which was disposed of vide order dated 05.05.2022 (Annexure P-12) granting liberty to petitioner to file an appropriate application before learned Executing Court for expeditious disposal of the pending proceedings. *Apropos* petitioner has already filed an application. However, learned counsel for petitioner submits that notwithstanding, learned Executing Court is not proceeding with the matter expeditiously.

5. Be that as it may, since execution proceedings were initiated almost 8-year ago in the year 2015 and despite petitioner having got a decree in his favour, he is yet seeking execution of the same in his favour, it is expected of learned Executing Court that it shall proceed further in the matter without granting

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unnecessary adjournments and dispose of the same as expeditiously as possible,
but not later than 6 months.

- 6. Disposed of, accordingly.
- 7. Pending application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

April 17, 2023
mahavir

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