

JAI PARKASH THROUGH LR ANKUR AND OTHERS
VERSUS
STATE OF HARYANA AND OTHERS

Present: Mr. Kiran Pal Singh, Assistant Advocate General, Haryana
for the applicants-respondent Nos. 1 to 4.

Mr. Karan Singh, Advocate
for the non-applicants/petitioners.

CM-8447-CII-2021

Application for condonation of 100 days delay in filing the
above Review Petition.

2. Notice of the application.
3. Learned counsel for non-applicants/petitioners accepts notice
of the application and raises no objection.
4. In view of the above and for the reasons stated in the
application, same is **allowed**, subject to all just exceptions.

As a result thereof, delay of 100 days in filing the review
application stands condoned.

RA-CR-53-2021

Present Review has been filed by respondents No. 1 to 4 –
State for recalling / review of the order dated 14.11.2019, whereby Revision
Petition was disposed off in terms of the order dated 06.02.2018 passed in
CR No. 584 of 2018 (*Parveen Kumar and others Versus State of Haryana
and others*).

2. It is contended by learned State Counsel that controversy in
the present case is entirely different from CR No. 584 of 2018, inasmuch as

different. Further contended that although, decretal amount has already been paid to the petitioners/non-applicants, but as an abundant caution and in order to avoid future complication, present Review Application has been filed.

Learned State Counsel also produced a copy of order dated 23.03.2021, which is taken on record as **Mark-'X'** to the effect that order dated 14.11.2019 has been complied with.

3. Notice of the Review Petition / Application to the non-applicants/petitioners.
4. Learned counsel for non-applicants/petitioners accepts notice and does not dispute the above factual position.
5. Heard both sides and perused the paper-book.
6. It transpires that present Revision Petition was disposed off on 14.11.2019 in the following manner:-

“ Notice of motion.

Mr. Pawan Kumar Jhanda, AAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 4.

After hearing both sides and on going through the decision of a Coordinate Bench of this Court in CR No.584 of 2018 titled as “Parveen Kumar and others vs. State of Haryana and others”, which was decided on 06.02.2018, the present revision petition is disposed off on similar lines with a direction upon the Ld. Executing Court (ADJ), Yamuna Nagar at Jagadhri to conclude the proceedings in the Execution Petition No.106 of 2017 titled as “Jai Parkash and others vs. State of Haryana and others” within a period of six months from the date of communication of this order.”

7. In compliance of the aforesaid order and after taking into consideration the statement made by counsel for the non-applicants/petitioners, learned executing Court disposed off the Execution Petition on 23.03.2021 and the order reads as under:-

“ Learned counsel for the DH appeared and vide his separate statement stated that payment has been received by decree holder in the present execution petition, if any payment due, then DH has reserved its right to file fresh execution petition and he does not want to pursue present execution petition. Heard. In view of the above said statement, the present execution petition is hereby dismissed as withdrawn with liberty to file fresh. File be consigned to the record room, after due compliance. ”

Perusal of the above extract clearly reveals that payment has been received by non-applicants/petitioners.

8. Concededly, controversy in CR No. 584 of 2018 is stated to be entirely different with the present case; therefore, in order to avoid any further complication, it would be appropriate to modify the order dated 14.11.2019 as prayed for by the applicant(s)/respondent(s).

9. Ordered accordingly.

10. However, it is made clear that this order shall not prejudice the rights of petitioners/non-applicants regarding liberty granted by learned executing Court, while passing the order dated 23.03.2021 (*supra*) in any manner.

February 20, 2023

'raman / dk kamra'

**(MAHABIR SINGH SINDHU)
JUDGE**