

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

16

CR No. 19/2022

Arvind Mahajan, Age 64 years
S/o. Satish Mahajan
R/o. Hotel Asia Vaishnoo Devi
Katra,
Tehsil Katra District Reasi.

.....Appellant(s)/Petitioner(s)

Through: Mr. Ravi Abrol, Adv.

vs

1. Collector Land Acquisition
Northern Railway, Udhampur
2. Deputy Chief Engineer S&C-III,
Northern Railway, Udhampur

..... Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
13.03.2024 (Oral)

1. Through the medium of instant revision petition, the petitioner has challenged order dated 17.05.2022 passed by the learned Principal District Judge, Reasi(hereinafter to be referred as the executing court), whereby it has been observed by the said court that because the High Court is seized of the matter, any direction to the judgment debtor to make disbursement of the awarded amount would be against the judicial propriety. On this ground the executing court has declined to pass an order in favour of the petitioner in the execution petition relating to judgment and decree dated 28.09.2013.
2. Learned counsel for the petitioner has submitted that in an appeal(CONC No. 381/2016) that has been filed by the respondents against judgment and decree dated 28.09.2013 passed by the trial court, this Court vide order dated 04.03.2024 has directed that in case, the amount under the decree is not deposited within a period of one week time, the petitioner herein would

be at liberty to seek execution of the award. A copy of the aforesaid order has been produced, which is taken on record. Learned counsel for the petitioner has further submitted that in terms of the aforesaid order, the respondents have not deposited the awarded sum. Consequently, there is no bar to the petitioner to get the decree executed before the executing court.

3. Having regard to the aforesaid circumstances, the instant revision has been rendered infructuous. Even otherwise, it is a settled law that unless there is a stay by a superior court in respect of the judgment/decreed passed by an inferior court, there is no legal impediment in execution of such a decree/judgment.
4. Thus, without there being any stay of the judgment/decreed dated 28.09.2013 passed by the learned trial court, it was not open to the said court to decline to execute the decree/judgment. Therefore, the impugned order dated 17.05.2022 is otherwise not sustainable in law.
5. In any case, because the petitioner has been given liberty to execute the judgment/decreed passed by the trial court, no further orders are required to be passed in this revision petition. The same is disposed of as having been rendered infructuous due to subsequent development as stated hereinbefore.

(SANJAY DHAR)
JUDGE

Jammu
13.03.2024
Rakesh PS

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No