



In the High Court of Punjab and Haryana, at Chandigarh

Execution Second Appeal No. 33 of 2012

Date of Decision: 06.02.2025

Kailasho

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chirag Kundu, Advocate
for the appellant(s).

Ms. Vibha Tiwari, Assistant Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. This is the appellant's execution second appeal against the order passed by the Executing Court, which, in first appeal, has been modified by the First Appellate Court. The operative part of the judgment and decree dated 21.10.2008, passed in favour of the appellant reads as under:-

"19. As a sequel to my findings arrived at on various issues above, the present suit succeeds and, the same is accordingly decreed with costs and the defendants are directed to make payment of the compensation of the disputed land to the plaintiffs at the present market value rate within the period of three months, failing which, they shall hand over vacant possession of the disputed land to the plaintiffs. Decree sheet be drawn accordingly. File be consigned to record room after due compliance."

2. Before the Executing Court, the appellant led evidence to prove

the market value @ ₹5,25,000/- per acre with respect to the land measuring

3 kanals 8 marlas, situated in village Ramayan, Tehsil Hansi. In appeal, the market value was increased to ₹10,00,000/- per acre on the basis of a communication sent by the State (Ex.DW.1/F). In substance, this appeal is not for enhancement of the market value.

3. The learned counsel representing the appellant submits that the market value of the land is required to be assessed on the basis of the sale deed dated 20.01.2009. The First Appellate Court has discarded the aforesaid sale deed on the ground that the market value is to be assessed as on 21.10.2008 and the sale deed is with respect to the period post the date of determination.

4. This Court has considered the matter. It is evident that the sale deed dated 20.01.2009, relied upon by the appellant, is post the date on which the market value is to be assessed. Moreover, this sale deed is with respect to a small piece of land measuring 2 kanals 4 marlas which, ordinarily, is not sold out for agricultural purpose.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

February 06, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No