IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
C.R. No.44 of 2016
Decided on: 29th October, 2026

The Chief Executive Officer-cum-Secretary **...Petitioner**

Versus

Anshu Karol (deceased) through her LRs
Rohini Karol and another **...Respondents**

Coram
Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge
Whether approved for reporting?[1]

For the petitioner:	Mr. Chandranarayana Singh, Dr. Nidhi Singh and Mr. Anshul Gandhi, Advocates.
For the respondents:	Mr. Vinay Kuthiala, Senior Advocate with Ms. Suchita Kaintura, Advocate, for respondents No.1(a) and 1(b).
	Mr. Balvinder Singh Ballu, Deputy Advocate General, for respondent No.2.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner-judgment debtor feeling aggrieved by the order dated 22.05.2014 passed by the learned District Judge (Forest), Shimla, whereby the money, which was lying deposited has been ordered to be released in favour of the decree holder, has approached this Court by way of present revision petition.

2. The precise grouse of the petitioner-judgment debtor is that though objections were preferred by him to the execution

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[1] *Whether reporters of Local Papers may be allowed to see the judgment?*

petition, wherein it was specifically mentioned that the execution petition is not maintainable as the judgment debtor had deposited the entire compensation of Rs.48,23,911.87/- as per the award of the Land Acquisition Collector, before him on 27.02.1984. It was also averred that out of Rs.48,23,911.87, a sum of Rs.15,51,763.14 paise was payable as compensation in respect of the award i.e. Award No.9 dated 24.02.1984. Further, the erstwhile Shimla Development Authority (in short "SDA") had also deposited a sum of Rs.5,53,513.00 on account of enhanced amount of compensation before the Court and only a sum of Rs.15,809/- was required to be deposited as per the statement of calculation, which amount was duly remitted vide cheque No. 976715 dated 04.03.2002.

3. The calculation made by the decree holder is totally wrong and against the provisions of the Land Acquisition Act. The enhanced amount of compensation was deposited strictly as per the award/judgment passed by the Court and the Court had never awarded interest on solatium, as such, the decree holder is not entitled for any interest on solatium and the Court vide award/judgment dated 03.06.1993 had clearly mentioned that interest is required to be paid on the enhanced amount of compensation. Further, the decree holder has also claimed the amount of compensation for the land, which has been assessed by

the Land Acquisition Collector and stands already deposited before him on 27.02.1984.

4. The petitioner-judgment debtor had moved an application for depositing the amount of Rs.21,30,249/-, stating therein that the amount was being deposited by keeping the right alive to challenge the calculation separately by filing a revision/appeal against the order as permissible under law.

5. On 22.05.2014, the learned counsel representing the decree holder stated that award amount under execution has been satisfied and in view of that, the execution petition was dismissed as fully satisfied and further it was ordered that the money lying deposited in the case be ordered to be released to the decree holder in accordance with law.

6. The petitioner-judgment debtor feeling aggrieved by the said part of the order, whereby the money which was deposited by him was ordered to be released in favour of the decree holder, has assailed the same before this Court *inter alia* on the ground that the objections preferred by the petitioner-judgment debtor have not been considered and the order is a non-speaking and without any reason.

7. I have heard the learned counsel for the parties and also gone through the record carefully.

8. Learned counsel for the petitioner-judgment debtor has vehemently argued that the petitioner-judgment debtor had deposited the amount, keeping the right alive to challenge the calculation separately by filing a revision and the learned District Judge without caring to look into the objections raised to the execution petition that the entire amount was earlier deposited has passed the order without assigning any reasons, whereby the money which was lying deposited by the petitioner-judgment debtor has been ordered to be released in favour of the decree holder.

9. On the other hand, the learned senior counsel representing the respondents-decree holders has supported the order and contended that since the award amount under execution was satisfied, the execution petition was dismissed as fully satisfied. Further, this Court while adjudicating the matter under revision petition, may not like to interfere with the said order.

10. I have given my thoughtful consideration to the order passed by the learned District Judge (Forest) Shimla and not agreeing with the order passed by him. The learned Court below without adverting to the objections preferred by the petitioner-judgment debtor has ordered for release of the amount deposited by the petitioner-judgment debtor in favour of the decree holder. The least which was expected of the learned executing Court was to

consider the objections raised by the petitioner-judgment debtor and since nothing has been taken note of while ordering the release of the amount in favour of the decree holder, the order on this sole ground is quashed and set aside.

11. Consequently, the present petition is allowed and the impugned order dated 22.05.2014 passed by the District Judge (Forest) Shimla in Execution No.25-S/10 of 2013/2001, titled ***Smt. Kaushalya Devi (deceased) through her LRs v. L.A.C and another***, is quashed and set aside and the matter is remanded back to the learned District Judge (Forest) Shimla to decide the same afresh and pass a speaking order after considering the objections preferred by the petitioner-judgment debtor. The parties, through their learned counsel are directed to appear before the learned District Judge (Forest) Shimla on 25.11.2026, who shall do the needful within a period of three months thereafter. Record of the executing Court be remitted back.

12. The petition is accordingly disposed of. No order as to costs. Pending application(s), if any, shall also stand disposed of.

29th October, 2026 **(Jiya Lal Bhardwaj)**
(ankit) **Judge**