

2026:PHHC:086401



154-2

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Revision No. 4687 of 2026 (O&M)
Date of Decision: 29.05.2026**

Shimla Devi and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rishabh Chaudhary, Advocate
for the petitioners-Decree Holders.

HARKESH MANUJA, J. (ORAL)

The petitioners-Decree Holders, by way of present petition, seek setting aside of an order dated 25.02.2026 (Annexure P-1) passed by the learned Additional District Judge, Kurukshetra in an application bearing **CM No. 167 of 2022**, titled “***Shimla Devi etc. Versus State of Haryana etc.***”, whereby the application moved by the respondents-Judgment Debtors for restoration of the ***Execution Petition No. 28/2020*** in ***LA Case No.25/1992*** was allowed.

[2] Briefly, the facts are that certain land owned by the petitioners-Decree Holders came to be acquired by the State of Haryana and pursuant thereto, an award under Section 11 of the Land Acquisition Act, 1894 was passed by the Land Acquisition Collector. Aggrieved thereof, the petitioners filed objections which came to be allowed vide order dated 08.02.1997 passed in ***LA Case No. 25 of 1992*** by the learned Additional District Judge,

Kurukshetra-cum-Reference Court, whereby the market value of the acquired land was enhanced. Thereafter, the petitioners filed an application for executing the awarded amount, wherein the respondents-Judgment Debtors moved an application seeking refund of the excess payment made to the petitioners. Vide order dated 08.11.2012 (Annexure P-2), the learned Executing Court disposed of the said execution petition while observing that whatever amount was due on account of being excess payment made to the Decree Holders that would be deducted/adjusted from the payment of amount in the remaining execution Petition No. 69/2010, titled “*Sanjay Kumar & others Versus State of Haryana & others*” and Execution Petition No. 100/2008, titled “*Simla Devi & others Versus State of Haryana & others*”.

[3] Still aggrieved, the respondents-judgment debtors preferred four different revision petitions which came to be disposed of by this Court vide order dated 09.12.2019 (Annexure P-3), whereby the matter was remanded back to the learned Executing Court.

[4] Soon thereafter, the petitioners moved an application before the learned Executing Court seeking withdrawal of their execution petition, which stood withdrawn being fully satisfied vide order dated 02.07.2022 (Annexure P-4) passed by the learned Executing Court.

[5] Thereafter, the respondents moved an application seeking restoration of the aforesaid Execution Petition, which was allowed by the learned Executing Court vide order dated 25.02.2026 (Annexure P-1). Hence, the present revision petition.

[6] Learned counsel for the petitioners, *inter alia*, submits that once, the execution petition moved at the instance of petitioners-Decree Holders stood withdrawn, application for its restoration preferred at the

instance of respondents-Judgment Debtors, could not be entertained.

[7] Having heard learned counsel for the petitioners and gone through the paper-book, no case for interference in the impugned order is made out.

[8] A perusal of the record shows that earlier, an order dated 08.11.2012 passed by the learned Executing Court was challenged before this Court by way of filing of four separate revision petitions, lead case of which was *CR No. 1760 of 2013*, titled “*Kurukshetra Development Board, Kurukshetra Versus Sanjay Kumar and others*”. Those revision petitions were disposed of vide order dated 09.12.2019 while setting aside the aforesaid order dated 08.11.2012 and the matter was remanded back to the learned Executing Court for deciding the matter afresh; however, the petitioners-Decree Holders withdrew their execution petition. In the humble opinion of this Court, since, the question regarding recovery of the alleged excess amount was to be decided by the learned Executing Court, therefore, the petitioners ought to have waited/contested in the execution proceedings so as to enable the learned Executing Court to finally assess the comparative rights of the parties.

[9] Consequently, finding no illegality or perversity with the findings recorded by the learned Executing Court in the impugned order, the present petition being devoid of merits is hereby **dismissed**.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

May 29, 2026

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>