

(1987) 05 P&H CK 0021
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3663 of 1985

Des Raj and ors.

APPELLANT

Vs

Sh.Daryao Singh

RESPONDENT

Date of Decision : 08-05-1987

Acts Referred:

Citation : (1987) PLJ 474 : (1987) RRR 452

Hon'ble Judges : S.P.Goyal, J

Advocate : Mr. S.K. Bansal, Advocate., Advocates for appearing Parties

Judgement

S.P. Goyal, J. (Oral)

1. Land measuring 9 Bighas 16 Biswas was acquired by the State and its compensation was ultimately determined by the High Court vide order dated October 24, 1981. The decree holders moved this application for the realization of the enhanced compensation. Respondent filed an objection petition that he is also owner of land measuign 2 Bighas 18 Biswas out of the acquired land and compensation to that extent may be paid to him. His objections were dismissed by the executing Court, but surprisingly an amount of Rs. 15,000/ was ordered to be kept to be disbursed after the decision of the suit filed by the respondent to establish his title. Aggrieved thereby, the decree holders have come up in this revision.

2. There is no jurisdiction with the executing Court to withhold the payment of the compensation amount to the decree holders on the ground that a person other than the decree holder claims title to the land and has filed a suit to the same effect. The remedy, if any, would lie with the Court in which the suit is pending. The impugned order to the effect that the amount of Rs. 15,000/ be not paid till the decision of the suit being wholly unwarranted by any provision of law is hereby set aside. No costs.