
(1998) 09 P&H CK 0149
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1436 of 1993

Ratti Ram

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 30-09-1998

Acts Referred:

Citation : (1999) 121 PLR 632

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : M.S. Jain and Adarsh Jain, for the Appellant; A.P. Bhandari, for the Respondent

Final Decision : Allowed

Judgement

G.C. Garg, J.—This revision petition is directed against the order dated May 8, 1993 of the executing Court in a land acquisition matter. The Regular First Appeal being R.F.A. No. 702 of 1973 and Civil Misc. 88 Cl of 1986 were disposed of by this Court on September 15, 1989. Petitioner and respondents who are heirs of Bhoop Singh and Nathi Ram in R.F.A. 702 of 1973 are entitled to receive the compensation as per the order of this court. However, the dispute arose between the heirs of Bhoop Singh as also the heirs of Nathi Ram as to their share in the land which was the subject matter of acquisition. According to the heirs of Bhoop Singh their share in the land comes to 12897.83 Sq. Yds. and that of Hukam Chand etc. heirs of Nathi Ram comes to 9154.40 Sq. Yds. The case of heirs of Nathi Ram on the other hand is that they are entitled to compensation with the heirs of Bhoop Singh in equal shares. There is, however, no decision either by the civil court or in proceedings u/s 30 of the land Acquisition Act, whereby it may have been determined as to what are the respective shares of Bhoop Singh and Nathi Ram or their heirs.

2. The executing court by order dated May 8, 1993 directed Ratti Ram etc. heirs of Bhoop Singh and Hukam Ghand etc. heirs of Nathi Ram to withdraw half of the amount of compensation each. Refund vouchers were accordingly ordered to be

prepared.

3. Ratti Ram and others, heirs of Bhoop Singh, filed this petition challenging the order of the executing court, whereby it directed the disbursement of the compensation half and half to two sets of claimants.

4. This revision was admitted and the disbursement of the compensation was stayed.

5. Learned counsel for the petitioners submitted that the petitioners are entitled to a higher amount of compensation than 50% and the respondents, who are heirs of Nathi Ram are entitled to compensation as per their share in the land, which is less than 50%. Mr. A.P. Bhandari, learned counsel appearing for the private respondents on the other hand submitted that in the previous execution application the parties were paid compensation half and half and, therefore, the private respondents are entitled to the payment of compensation in equal shares.

6. After hearing learned counsel for the parties and on a consideration of the matter, I am of the opinion that the executing court was not right in directing the payment of compensation to the two sets of heirs in the ratio of half and half. The executing court is not competent to go into this question as to what are the shares of the respective parties. It could not order disbursement of compensation in equal shares only on the ground that in the previous execution application the amount was so disbursed and not objected to. The executing court is only supposed to execute the decree as it is and in case of doubt, it is expected to direct the parties either to seek clarification of the decree or get their title settled from the civil court in accordance with law. The executing court noticed in its order that the share of the heirs of Nathi Ram as per the jamabandi is more than 50%, whereas the share of others is less than half. Once that was so, it was not right on its part to direct the disbursement of compensation half and half. The executing court, as already observed, cannot settle the rights of the parties. In that view of the matter I allow this revision petition, set aside the order of the executing court and order consignment of the execution application to the record room, to be revived after the parties get their title settled from a court of competent jurisdiction. The amount of compensation already deposited with the executing court and lying for disbursement shall remain with the executing court and shall not be paid to any of the parties so as to absolve the acquiring department of its liability to pay interest on the amount of compensation from the date of deposit. No costs.