

(2020) 06 J&K CK 0138

In the Jammu And Kashmir High Court

Case No : Criminal Revision No. 22 Of 2009, IA No. 20 Of 2009

Union Of India

APPELLANT

Vs

Parveen Singh And Others

RESPONDENT

Date of Decision : 08-06-2020

Acts Referred:

Citation : (2020) 06 J&K CK 0138

Hon'ble Judges : Sindhu Sharma, J

Bench : Single Bench

Advocate : R. S. Jamwal, Rajinder Sharma

Final Decision : Dismissed

Judgement

Sindhu Sharma, J

1. This revision is directed against the order dated 17.12.2008 passed by the District Judge, Kathua in execution petition titled Parveen Singh & ors. Vs. Union of India & anr.
2. The grievance of the petitioner is that petitioner has filed an appeal against the award of the District Judge, Kathua dated 26.12.2001, by virtue of which, the amount of compensation was enhanced from Rs. 7,500/-to Rs. 22,000/- per kanal, to whom the reference was made by the land owner.
3. An appeal was filed on behalf of the Union of India in which an application for condonation of delay bearing COND(C) No. 127/2002 was also filed. It was due to this fact, the award was not stayed.
4. In the meanwhile, execution petition was filed before the District Judge, Kathua who directed the Union of India to deposit the balance amount of Rs. 48,08,452/- vide order dated 17.12.2008. This revision was filed on the ground that, if the amount is deposited, the appeal would become infructuous and huge loss will have to be suffered by the Union of India.

5. The condonation of delay application (Cond. No. 127/2002) filed in this Court was dismissed for non-prosecution vide order dated 30.10.2003 as the counsel for appellant did not appear. It appears that the restoration application (Rest.(C) No. 09/2003) was filed but the same was also dismissed for non-prosecution on 22.07.2004 for reasons stated therein.

6. Perusal of the order dated 10.02.2020 reveals that an application for the restoration of the earlier restoration application was filed. Since there was a delay of 203 days in filing the restoration application, application for condonation of delay seeking to condone the delay in filing the restoration application (RESC No. 09/2003) was filed and vide order dated 14.03.2017, the delay was condoned, and (RESC No. 09/2003) was restored to the original number. The said restoration application (RESC No. 9/2003) was dismissed by order of this court on 10.02.2020, therefore, no appeal against the award is pending, with the dismissal of the appeal. The award made by the District Judge, Kathua has attained finality, therefore, this revision petition does not survive after the dismissal of appeal.

7. In view of the aforesaid, this revision petition is, accordingly, dismissed and the court below is directed to proceed with the execution of award.

8. The original record of the Case be remitted back to the court of Principal District Judge without any delay.