



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

**EFA No.3 of 2024(O&M)**

**Date of Order:26.03.2025**

**Bathinda Development Authority**

**.Appellant**

**Versus**

**Pardeep Bansal and others**

**..Respondents**

**EFA No.4 of 2024(O&M)**

**Bathinda Development Authority**

**.Appellant**

**Versus**

**Manju Goyal and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Rakesh Gupta, Advocate  
for the appellant.**

**Mr. Alok Mittal, Advocate  
for the respondents.**

**ANIL KSHETARPAL, JUDGE (Oral)**

1. With the consent of the learned counsel representing the parties, two connected Execution First Appeals shall stand disposed of by this order.
2. Two different applications were filed by the appellant, a public body, namely Bathinda Development Authority, seeking refund of alleged excess payment in execution proceedings. The execution petition was arising from acquisition of the land. The Executing Court has dismissed the applications on the ground that the review application is required to be filed within the prescribed period of limitation. It is evident that the Executing Court has failed to comprehend the applications filed by the appellant. There only request is to refund the excess payment which of course is disputed by



the learned counsel representing the respondents. However, the Executing Court is required to check and analyze the calculations submitted by both the parties and then come to a conclusion whether the appellant is entitled to refund or not, however the Executing Court was wrong while treating it as a review application and dismissing the same.

3. The learned counsel representing the respondents submits that the application(s) under Section 144 CPC is not maintainable because there is no reversal or change in the decree.

4. This application could be treated as the application filed under Section 151 CPC because the application has been filed under Section 144 read with Section 151 CPC.

5. Keeping in view the aforesaid facts and discussion, both the appeals are allowed. The impugned order(s) passed in both the appeals by the Executing Court are set aside with direction to the Executing Court to decide afresh.

6. Parties through their learned counsel are directed to appear before the Executing Court, on 22.04.2025.

7. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**March 26, 2025**

**nt**

**Whether speaking/reasoned** : **Yes/No**  
**Whether reportable** : **Yes/No**