



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

Date of decision : 08.01.2025

1. CR-7016-2023 (O&M)

Jagsir Singh @ Jagga

..... Petitioner

versus

Zora Singh through his legal heirs

..... Respondent

2. RSA-5433-2017 (O&M)

Zora Singh through his legal heirs

..... Appellant

versus

Jagsir Singh @ Jagga

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.S. Sidhu, Advocate
for the petitioner in CR-7016-2023)
for the respondent in RSA-5433-2017.

Mr. K.S. Dadwal, Advocate,
Mr. N.S. Sodhi, Advocate and
Ms. Neha, Advocate
for the respondent in CR-7016-2023.
for the appellant in RSA-5433-2017.

PANKAJ JAIN, J. (Oral)

1. The issue relates to compliance of order dated 05.09.2018 passed by this Court. This Court while admitting the appeal on 05.09.2018 passed the following order:-

“Heard.

Admitted.

There is a prayer for staying the operation of the impugned judgment by the counsel for the appellants.



Counsel for the respondent states that the appellants are now in possession of the land in dispute.

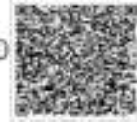
In the meantime, dispossession be stayed subject to the appellants depositing a sum of Rs.50,000/- per acre per year for the land in dispute w.e.f. February 2018 before the Executing Court which will be deposited on or before 30.11.2018. The Executing Court shall put the amount in a yearly recurring deposit in any nationalized bank by the 30th November of every year to enure to the benefit of the party become successful.”

2. In terms of the aforesaid order, the appellant in RSA was required to deposit the amount as directed by the Court before the Executing Court on or before 13.11.2018. On 26.09.2018, appellant filed application seeking permission to deposit the amount in compliance of order dated 05.09.2018. The application was allowed. It was ordered that:-

“An application has been filed by the applicant seeking permission to deposit amount of Rs.2.94,687.50 in the Court as per the order dated 05.09.2018 passed by Hon'ble Punjab & Haryana High Court in RSA No.5433 of 2017. Application be registered as Civil Misc. Said application is accompanied order dated 05.09.2018 passed by Hon'ble High Court in RSA 5433-2017 (O & M), where the dispossession has been stayed by the Hon'ble High Court subject to the appellants depositing a sum of Rs.50,000/- per acre per year for the land in dispute w.e.f. February 2018 before Executing Court, on or before 30.11.2018. The Hon'ble High Court further ordered that the Executing Court shall put the amount in a yearly recurring deposit in any nationalized bank by 30th November of every year to ensure to the benefit of the party become successful.

Applicant has also furnished affidavit vide which she stated that she is ready to deposit amount of Rs.2.94.687.50 for land measuring 47 kanals 3 marlas in the Court.

As such, in view of the said orders of Hon'ble High Court and the affidavit furnished by applicant. present application is allowed and applicant is allowed to deposit the amount as per the order dated 05.09.2018 passed by the



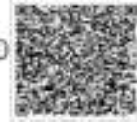
Hon'ble High Court Le. Rs.50,000/- per acre, under rules. Application stands disposed off accordingly and be consigned to record room after due compliance.”

3. There was specific stipulation that the applicant shall deposit the amount as per rules. Revisionist-petitioner filed application and submitted that indeed no amount has been deposited with the Executing Court by the appellant. The Executing Court on 25.11.2021 passed detailed order asking the appellant to apprise the Court the reasons for non-compliance of order dated 05.09.2018. Vide impugned order, the application filed by the respondent in RSA-5433-217 stands allowed and he was directed to deposit the amount from the fixed deposit to the accounts of the Executing Court.

4. Though, this Court finds that so far as impugned order dated 26.10.2023 is concerned, no fault can be found with the orders, as the Court being vigilant preferred securing the amount and allowed the respondent to transfer the amount to the account maintained by the Executing Court. Thus, no interference is required in the revision petition.

5. However, in view of the conduct of the appellant, this Court finds that the same shows gross abuse. Despite the fact that on 26.09.2018, Executing Court directed and permitted the appellant to deposit the amount and there was specific stipulation by this Court in order dated 05.09.2018 to deposit the same in Executing Court, the appellant in a clandestine manner deposited the amount in her own account.

6. At this stage, Mr. Dadwal submits that the report be called from the Executing Court with respect to non-compliance of order and



further submits that there is no application filed seeking vacation of stay.

The argument raised is misconceived.

7. This Court called for the records of the RSA and ordered the same to be listed alongwith the present petition. So far as non-compliance of the order passed by this Court is concerned, the opinion of Executing Court is inconsequential once this Court itself is seized of the issue. This Court finds that the action of the appellant is totally in violation of order dated 05.09.2018 passed in RSA-5433-2016. Resultantly, the interim protection granted by same is ordered to be vacated.

8. Consequently, the present revision petition is disposed off.

9. List the appeal i.e. RSA-5433-2017 on **17.01.2025**.

10. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

08.01.2025
Dinesh