



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

**121**

**CM-4715-CII-2025in/and CR-1036-2025(O&M)**

DATE OF DECISION : 06.03.2025

HARBANS LAL AND ANOTHER --- PETITIONERS  
VERSUS  
UNION OF INDIA AND OTHERS -- RESPONDENTS

**CORAM : HON'BLE MS. JUSTICE LAPITA BANERJI**

Present:- Mr. Yashraj Deora, Sr. Advocate and  
Mr. Vikram Rathore, Advocate  
for the petitioners-non-applicants.

Mr. K.S. Kang, Advocate and  
Mr. Arkash Mani Garg, Advocate  
for the respondents-applicants.

**LAPITA BANERJI, J.(ORAL)**

**CM-4715-CII-2025**

This is an application for modification of the order dated February 18, 2025 passed by this Court in CR No.1036 of 2025.

**Main case:-**

1. With the consent of the learned counsel for the parties, CR-1036-2025 is taken up today.
2. Learned Senior counsel appearing on behalf of the petitioners-non-applicants-land losers had submitted on February 18, 2025 that the execution being EXE-164-2019 had been pending adjudication for the past five years and the learned Executing Court was granting unnecessary adjournments to await decision in FAO-3907-2022 even though no stay of proceedings was granted in FAO-3907-2022. Despite the same, repeated



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adjournments were being granted by the learned Executing Court causing immense prejudice to the land losers-award holder.

3. A prayer was made for release of 50% of the amount of enhanced compensation passed by the learned Arbitrator vide an award dated May 21, 2019, This Court relying on the interim order passed by the Hon'ble Supreme Court on August 14, 2024 in Special Leave Petition (Civil) No.17708 of 2024 **National Highways Authority of India Vs. Pardeep Singh and others**, directed that the petitioners-land losers be allowed to withdraw 50% of the enhanced compensation deposited before the Executing Court subject to furnishing of adequate security to the satisfaction of the Executing Court.

4. Learned counsel appearing on behalf of the applicants-respondents has brought to the notice of this Court an order dated January 30, 2023 to submit that a Coordinate Bench of this Court in FAO-3907 of 2022 filed by NHAI against the petitioners in the present civil revision had specifically directed the entire amount of enhanced compensation to be deposited with the Executing Court, but also directed the same not to be disbursed to the petitioners-land losers. Furthermore, it was directed that the Executing Court should adjourn the case beyond the date fixed by the Court. The relevant extract of the said zimni order dated January 30, 2023 is reproduced hereinunder:-

*“Notice of motion.*

*Learned counsel for the appellant on instructions submits that due amount which was awarded would be deposited with the Executing Court within four weeks from today but the same be not disbursed to the claimants.*



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*In the meanwhile, the Executing Court shall adjourn the case beyond the date fixed by this Court. The amount deposited by NHAJ shall be kept in an FDR in a nationalised bank.*

*Learned counsel appearing for respondents accepts the notice and seeks time to argue the matter.*

*List on 22<sup>nd</sup> February, 2023.”*

5. He submits that the said FAO is pending adjudication before this Court and by material suppression of relevant facts, the aforesaid prayer for disbursement was made before this Court. In CM-12178-CII-2022 filed by the petitioners-land losers in FAO-3907-2022, release of the amount deposited by the applicants-respondents with the Executing Court have been prayed for. No order was passed by the Coordinate Bench in the said Civil Miscellaneous application. Without bringing on record the aforesaid civil miscellaneous application, the present civil revision had been filed.

6. Issue notice.

7. Learned Senior counsel appearing on behalf of the petitioners-non-applicants submits that the submissions were made on February 18, 2025 without realising true scope and purport of the order passed by the Coordinate Bench on January 30, 2023. He takes this Court through the averments made in the civil revision to submit that there was no intention on the part of the petitioners to mislead this Court and in the understanding of the learned counsel for the petitioners the interim order was applicable only till the next date of hearing.

8. This Court has heard the learned counsel for the parties and perused the material on record.



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9. Admittedly, the factum of filing of the previous CM-12178-CII-2022 in FAO-3907-2022 for release of the amount deposited with the Executing Court has not been brought on record, in the present civil revision. During pendency of the appeal, the present civil revision has been filed. Learned counsel appearing on behalf of the petitioners-non-applicants did not bring to the notice of this Court that a Coordinate Bench on February 18, 2025 had directed the execution proceedings to be adjourned beyond the date fixed for hearing in the aforesaid application along with the appeal under Section 37 of the Arbitration and Conciliation Act, 1996. Therefore, this Court was misled into opining that despite no stay being granted in FAO-3907-2022, unnecessary adjournments were being granted to await the decision in FAO-3907-2022. Consequently, it directed the release of 50% of the enhanced compensation relying on the interim order passed on August 14, 2024 by the Hon'ble Supreme Court in **Pardeep Singh and others** (supra). This Court had also directed a status report regarding the stage of execution proceedings to be filed by the District Judge, Faridkot, relying on the submissions made by the petitioners. This Court has not appreciated such a sharp practice by the learned counsel for the petitioners.

10. It is unfortunate that by gross suppression of material facts, such an order of release was obtained by the Ld. Counsel appearing for the petitioners. It is trite law that a litigant who approaches a Court with unclean hands cannot expect any relief to be granted in its favour.



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11. Accordingly, CR-1036-2025 is **dismissed** with costs to be assessed as Rs.10,000/- to be paid to the Poor Patient Welfare Fund, PGIMER, Chandigarh.

12. It is made clear that no status report is required with regard to the stage of execution proceedings to be filed by the learned District Judge, Faridkot.

13. Connected application(s), if any, shall also stand disposed of.

**(LAPITA BANERJI)**  
**JUDGE**

**06.03.2025**

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