



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

CR-2585-2025

Date of Decision: May 08, 2025

KASHMIR KAUR

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajbir Singh, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Ekta Thakur, Advocate for respondent No.4.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition filed under Article 227 of Constitution of India, challenge has been made to order dated 01.02.2025 passed by learned Addl. District Judge/Executing Court, Tarn Taran. The operative part thereof reads as under:-

“However, keeping in view the statements suffered by both the parties, all the applicants in the Court today and duly countersigned by their respective learned counsels, the above said cheque amount, is hereby, ordered to be released in favour of all the applicants who are liable to share it as per their legal entitlement jointly, at their own responsibility as per their statements on furnishing photocopy of their Pan Cards, bank details, indemnity bonds and solid surety equivalent to the above said entitled share of amount with the Nazir against proper receipt and identification. Execution application accordingly stands disposed of. File be consigned to the Judicial Record Room, Tarn Taran, after due compliance.”

Brief facts of the case are that the petitioner being one of the successors of the deceased-Darshan Singh along with the other LRs sought reference under Section 18 of the Land Acquisition Act,

1894 against acquisition of land which came to be disposed of vide award dated 09.03.2009. Aggrieved thereof, RFA-484-2010 was filed against the same by the petitioner and other LRs which was decided on 22.12.2021. Based on the decision rendered by this Court in the aforementioned RFA, the execution application was preferred. During its pendency, one of the brothers of the petitioner namely, Kuldeep Singh expired and his LRs were brought on record vide order dated 01.02.2025.

Learned counsel for the petitioner submits that once all the landowners/their LRs were party before the Executing Court and were only claiming enhanced compensation in terms of their respective shares under the succession, the Executing Court could not have imposed condition for furnishing of solid surety equivalent to the amount payable to them as per their share.

On the other hand, learned counsel for respondent No.4 submits that the direction issued by the Executing Court was only to safeguard their interest in future, against any fresh claim by any individual.

I have heard learned counsel for the parties and gone through the paper-book.

Once the Executing Court itself directed for disbursement of the enhanced compensation as per the respective shares of the decree-holders under the award passed by the Reference Court as well as under decision dated 22.12.2021 passed in RFA-484-2010, there was no purpose for directing them to furnish surety against the said

benefit. Once the beneficiaries under the reference Court and also the decision of this Court were to be given compensation in terms of their respective shares under succession, no such direction was necessary.

In view of the aforesaid, order dated 01.02.2025 passed by the Executing Court is ordered to be modified to the extent that the beneficiaries under the Reference Court award and also the decision passed in RFA would not be required to furnish solid surety against disbursement of compensation towards their respective shares/entitlement as per succession.

Accordingly, the present petition stands disposed of.

08.05.2025

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>