

HO'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No.483 of 2017
Decided on: March 29, 2018

State of Himachal Pradesh & Anr.Petitioners

Versus

Harnam SinghRespondent

Coram:

The Hon'ble Mr. Justice Dharam Chand Chaudhary, J.

Whether approved for reporting?¹ **No.**

For the petitioner(s) : Mr. S.C. Sharma, Addl. Advocate
 General with Mr. Kunal Thakur,
 Dy. Advocate General.

Respondent exparte.

Dharam Chand Chaudhary, J. (Oral)

Respondent is duly served, however, failed to put
 in appearance, hence, proceeded against exparte.

2. Heard.

3. As a matter of fact, the execution proceedings can
 only be initiated by the decree-holder. The simple case of the
 petitioner-State seems to be that it has deposited excess

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

amount consequent upon the award passed by the Reference Court and modified by this Court in cross-objection preferred by the claimant-respondent in the appeal, which was filed by the State. The excess amount, if any, lying deposited, can even be sought to be refunded by way of filing an application under Section 151 of the Code of Civil Procedure. Therefore, the impugned order calls for no interference. The petition is accordingly dismissed with liberty reserved to the petitioner-State to seek remedy in accordance with law and in the light of the observations, hereinabove, for refund of excess amount, if any, deposited. Pending application(s), if any, shall also stand disposed of.

March 29, 2018
(Yashwant)

(Dharam Chand Chaudhary)
Judge