

CNR NO: PHHC011770962025

2026:PHHC:099022



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

CR-8185-2025 (O&M)

Reserved on : 07.07.2026

Pronounced on : 20.07.2026

SURINDER SINGH

... Petitioner

Versus

PUNJAB STATE AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Aggarwal, Advocate for petitioner

Mr. Puru Jarewal, Deputy Advocate General, Punjab

Mr. D.S. Bhinder, Advocate (through V.C.) with
Ms. Navkiran Bajwa, Advocate and
Mr. S.S. Sekhon, Advocate for respondent No.3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 227 of the Constitution of India is seeking setting aside of order dated 14.08.2025 whereby learned Additional District Judge, Bathinda has dismissed Execution Case No. *EXE/417/2021* on the ground of limitation.

2. The petitioner was owner in possession of land measuring 100 acres situated in revenue estate of Village Patti Jhutti, Tehsil and District Bathinda which was acquired vide notification dated 17.01.1986 issued under Section 4 of Land Acquisition Act, 1894 (for short '1894 Act')

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followed by notification issued under Section 6 of 1894 Act for the construction of a Government College. The Land Acquisition Collector vide award dated 26.08.1987 awarded compensation @ ₹65,000/- per acre. The petitioner being aggrieved by the said award preferred reference petition under Section 18 of 1894 Act. Learned Additional District Judge, Bathinda vide common order dated 16.02.1994 allowed the reference petitions and enhanced the compensation to ₹1,20,000/- per acre. The landowners being dissatisfied with the award approached this Court by way of *RFA-485-1995* which was disposed of vide order dated 13.03.2008 and the compensation was enhanced to ₹1,50,000/- per acre. The predecessor of the petitioner passed away during the pendency of the appeal. The petitioner preferred Execution Case No. *EXE-417-2021* seeking execution of order dated 13.03.2008 passed by this Court in *RFA-485-1995*. Learned Additional District Judge, Bathinda vide order dated 14.08.2025 dismissed the above-mentioned execution case on the ground of being barred by limitation.

3. Learned counsel for the petitioner submits that as per Section 82 of CPC, if any decree is passed against State, execution application cannot be filed till the expiry of 3 months, thus, limitation period prescribed under the Limitation Act, 1963 (for short '1963 Act') starts on the expiry of 3 months from the date of decree to be executed. In support of his contentions, he relies upon judgment of this Court in “***Surjeet Singh & Ors. Vs. Union of India***”, *LawFinder Doc Id # 204909*.

4. *Per contra*, learned counsel for the respondent submits that Section 82 simply provides that execution cannot be filed till the expiry of 3

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months period in case decree/award is against Union of India or State Government, however, it does not enlarge limitation period prescribed under Limitation Act especially when 12 years period is prescribed for filing execution. The factum of the application being time barred was in the conscious knowledge of the Petitioner as is evident from the reply to the legal objections dated 24.04.2024 appended with the present petition as Annexure P-5. The reliance of the petitioners on the covid-pandemic to escape limitation is also misconceived.

5. The respondent on 07.07.2026 was granted opportunity to submit Authorities, if any, in its favour.

6. Learned counsel for the respondent has submitted synopsis along with 2 judgments. The respondent has primarily relied upon judgment of Division Bench of Jammu & Kashmir High Court in “***State Vs. Col. Abdul Rehman & Others***”, ***LawFinder Doc Id # 330807***.

7. From the pleadings and arguments of both sides, it is evident that short question which arises for consideration of this Court is whether limitation for filing execution against Government would start after the expiry of 3 months from the date of award or it would start from the date of award.

8. Learned counsel for petitioner has relied upon Section 82 of CPC which provides that execution proceedings may be initiated after 3 months from the decree or award. Section 82 reads as: -

“82. Execution of decree.-(1) Where, in a suit by or against the Government or by or against a public officer in respect of any act purporting to be done by him in his official capacity, a decree is passed against the Union of India or a State or,

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as the case may be, the public officer, such decree shall not be executed except in accordance with the provisions of sub-section (2).

(2) Execution shall not be issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of such decree.

(3) The provisions of sub-sections (1) and (2) shall apply in relation to an order or award as they apply in relation to a decree, if the order or award-

(a) is passed or made against the Union of India or a State or a public officer in respect of any such act as aforesaid, whether by a Court or by any other authority; and

(b) is capable of being executed under the provisions of this Code or of any other law for the time being in force as if it were a decree.”

9. From the perusal of above-quoted Section, it is evident that execution against the Government or by or against a public officer in respect of any act purporting to be done by him in his official capacity can be issued only if decree remains unsatisfied for a period of 3 months computed from the date of such decree. Sub-Section (3) of Section 82 provides that provisions of Sections 1 & 2 shall apply in relation to an order or award as they apply in relation to the decree.

10. Learned counsel for respondent has relied upon judgment of Jammu & Kashmir High Court in **Col. Abdul Rehman (supra)**. Jammu & Kashmir High Court has held that award does not fall within definition of decree, thus, Section 82 is inapplicable. The Court has further held that Sub-Section (3) which has been added to Section 82 has not so far been added to

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the State Code of Civil Procedure. Relevant extracts of the judgment read as:-

“11. Moreover, if the contention of the learned counsel for the appellant that section 51 of the Land Acquisition Act makes all the provisions of the Code of Civil Procedure applicable to proceedings before the Court under the Land Acquisition Act were correct, then the award made by that Court would itself be a decree under the Code and there was no necessity of enacting section 26 (2) of the Land Acquisition Act; but the fact that Section 26 (2) has been specifically inserted in the Land Acquisition Act makes it abundantly clear that the award made under section 18 of the Land Acquisition Act is not a decree by application of the provisions of the Code of Civil Procedure under section 51 of the Land Acquisition Act, but it is deemed to be a decree and is executable as such only under the provisions of section 26 (2) of the Land Acquisition Act.

12. That the provisions of Section 82 were not intended to apply to awards will be further clear from the fact that in order to make them so applicable the Indian Legislature has added sub-section (3) to Section 82 of the Code in 1949. That sub-section is as follows:

“The provisions of sub-sections (1) and (2) shall apply in relation to an order or award as they apply in relation to a decree, if the order or award-
(a) is passed or made against the Union of India or a State or a public officer in respect of any such act as aforesaid.....”

By this sub-section the provisions of Section 82 have been made applicable to awards also. This sub-section (3) it may be observed, has not so far been added to the State Code of Civil Procedure.”



11. From the reading of above paragraphs, it is evident that Court has noted that by Sub-Section (3), provisions of Section 82 have been made applicable to awards. The present matter relates to award passed under the Land Acquisition Act, 1894. Jammu & Kashmir High Court has excluded award from the purview of decree, however, made it clear that in view of added Sub-Section (3), provisions of Section 82 are applicable to award passed under Land Acquisition Act, 1894.

12. This Court in *Surjeet Singh (supra)* has clearly held that in view of Section 82 of CPC, period of 12 years for filing execution starts from the expiry of 3 months from the date of award means a period of 3 months from the date of award is excluded while calculating prescribed period of 12 years for filing execution.

13. In the wake of above discussions and findings, it is evident that a period of 3 months from the date of award has to be excluded for computing limitation of 12 years for filing the execution.

14. In the case in hand, the decree/award was passed on 13.03.2008 and 12 years period prescribed under 1963 Act expired on 11.03.2020. If period of 3 months as per Section 82 of CPC is excluded, the 12 years period would expire on 12.06.2020. As per order dated 10.01.2022 passed by Hon'ble Supreme Court in *Suo Moto Writ Petition (C) No. 3 of 2020 In RE: Cognizance for Extension of Limitation, (2022) 3 Supreme Court Cases 117*, period of limitation from 15.03.2020 to 28.02.2022 is liable to be excluded. The petitioner filed execution application on 21.12.2021, thus, it

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was within the limitation period prescribed under 1963 Act read with Section 82 of CPC.

15. In the backdrop, the petition is allowed and impugned order is hereby set aside.

16. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.07.2026
SDK

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

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