

*ORDER SHEET*

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

**C.P. No. D — 1905 of 2010.**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE[s]</b>
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**07.04.2022.**

FOR HEARING OF MAIN CASE.

Mr. Allah Bachayo Soomro Additional A.G. Sindh.

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The executing court is executing the decree passed by III-Additional District Judge Dadu in Land Acquisition Reference No.01 of 2000. After passing of the decree, the decree holder filed the execution application and could have claimed the total amount strictly in terms of the decree, whereas, he claimed 15% compulsory acquisition for 12 years till the filing of the execution which as per decree holder's calculation came to Rs.23,62,500/- and 6% compulsory interest for 12 years which came to Rs.9,45000/-.

It is a case of the petitioner being Province of Sindh that the decree is absolutely silent as far as the compulsory acquisition charges under section 23(2) is concerned as it only talks about it only one time as 15% in terms of Section 23(2) of the Land Acquisition Act, whereas, the claim in the execution application in terms of para-7 runs contrary to such decree and not subject to the market value of the land as determined by the court which came to Rs.500,000/- per acre. The only objection i.e. worth considering is the claim in addition to the market value which is adjudged by the decree holder for the entire period which remained unpaid, as claimed. Whether or not the decree holder was entitled for the entire period when this amount remained unpaid, the decree is silent. It is, therefore, for the executing court to pass a speaking order in terms of entitlement of the decree holder for a claim in addition to the market value of the land after hearing the parties concerned.

We, therefore, direct the petitioner to deposit the undisputed amount i.e. the market value of the land along with one time interest to the extent of 15 per centum on such market value as determined. Whereas for the period of 12 years or any other extended period the executing court shall give its independent finding as to whether the decree holder is entitled to such interest every year till such time it is paid or it is just one time payment. To the extent of interest claimed the petition is allowed and is remanded back for rehearing.

**JUDGE**

**JUDGE**

A.