

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

OMP (M) No. 100 of 2024
Decided on: 30.9.2026

National Highway Authority of India
...Applicant/Appellant

Versus

Ramji Dass ..Respondent/non-applicant

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the applicant/
appellant:

Ms. Shreya Chauhan, Advocate.

For the non-applicant/
respondent:

Mr. Yuyutsu Singh Thakur,
Advocate, for proposed LR's No. 1(a)
and 1(b).

None for proposed LR's 1(c) to 1(e),
1(g) to 1(j).

Proposed LR's 1(f) and 1(k) are
stated to have expired.

Virender Singh, Judge (Oral)

OMP (M) Nos. 194 and 195 of 2025 in OMP(M)
No. 100 of 2024

The appellant has preferred the present Arbitration Appeal, against the judgment dated 29.8.2023, passed by the Court of learned District Judge, Mandi, H.P. in Arbitration Petition No. 52 of 2019, titled as 'NHAI versus Ramji Dass',

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

whereby, the learned District Judge, Bilaspur, H.P. has dismissed the petition.

2. By way of OMP(M) Nos.194 and 195 of 2025, indulgence of this Court has been sought to bring on record the LRs of respondent Ramji Dass, who, as per the application, has expired on 28.3.2014, after condoning the delay and setting aside the abatement, if any.

3. Admittedly, at the relevant time, the lis was not even pending before the learned District Judge, Bilaspur, who has decided the application under Section 34 of the Arbitration and Conciliation Act. The proceedings before the learned District Judge, Bilaspur, H.P. were initiated on 5.12.2018. Meaning thereby, when death of respondent Ramji Dass had taken place, at that time, the matter was pending before the learned Arbitrator.

4. The Hon'ble Supreme Court in '***Gurnam Singh (Dead) through Legal Representatives & Others versus Gurbachan Kaur (Dead) by Legal Representatives***' (2017) 13 SCC 414, has held that decree passed in favour or against a dead person, is nullity. Relevant para No.21 of the judgment is reproduced, as under:-

"It is a fundamental principle of law laid down by this Court in Kiran Singh's case (supra)

that a decree passed by the Court, if it is a nullity, its validity can be questioned in any proceeding including in execution proceedings or even in collateral proceedings whenever such decree is sought to be enforced by the decree holder. The reason is that the defect of this nature affects the very authority of the Court in passing such decree and goes to the root of the case. This principle, in our considered opinion, squarely applies to this case because it is a settled principle of law that the decree passed by a Court for or against a dead person is a 'nullity'."

5. In view of the above, this Court is left with no other option, but, to set aside the judgment and decree, passed by the learned District Judge, Bilaspur, H.P., and to remand the matter back to the learned Arbitrator for fresh disposal, in accordance with law.

7. With these observations, OMP(M) Nos. 194 and 195 of 2025 are disposed of. Consequently, the present appeal is also disposed of by setting aside the judgment and decree dated 29.8.2023, passed by the learned District Judge, Bilaspur, H.P.

8. Parties through their counsel are directed to appear before the learned Arbitrator, on 29.10.2026 at 10:00 a.m.

9. Pending application(s), if any, shall also stand disposed of.

(Virender Singh)
Judge

September 30, 2026

(kalpana)