

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.2794 of 2008.
Decided on:-20.5.2015.

Khem Chand and othersPetitioners.

Versus

State of Haryana and othersRespondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Argued by:- Mr. Anil Shukla, Advocate
for the petitioners.

Mr. D.R. Singla, DAG, Haryana
for the respondent-State.

Dr. Bharat Bhushan Parsoon, J.

Counsel for both the parties agree that judgment in ***Gurpreet Singh Versus Union of India 2008(2) RCR (Civil) 208 (Supreme Court)*** is applicable but counsel for the petitioners states that the parameters laid down therein have not been adhered to in letter and spirit causing total disarray in calculations.

The trial court has calculated interest w.e.f. 17.8.1993, the date on which the possession was allegedly taken but this Court in CR No.5090 of 2004 decided on 7.2.2006 has observed that the possession was taken by the State on 16.11.1990.

The trial court has not come to a definite finding with regard to

date of possession so that calculation of interest and other amount receivable by the decree holders is calculated properly.

Counsel for the petitioners has no objection if the case is decided in terms of ***Gurpreet Singh's case (supra)***.

In view of this position, the matter is remanded to the court below to decide the same afresh after hearing both the parties and after getting the calculations from them. The court below would decide the matter in terms of ***Gurpreet Singh's case (supra)*** within one month from the date of passing of certified copy of this order, even by conducting day to day proceedings, if so required.

Parties are directed to appear before the court below on 6.6.2015.

May 20, 2015
'Yag Dutt'

(Dr. Bharat Bhushan Parsoon)
Judge