

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

**CR No.3268 of 2012 (O&M)
Date of decision: 11.12.2015**

Union of India and another

... Petitioners

versus

Sadhu Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ram Chander, Advocate for the petitioners.

Ms. Vandana Malhotra, Addl. Advocate General, Punjab.

K.Kannan, J.

The argument of the counsel for the State rests on the application of the judgment of Hon'ble Supreme Court in Gurpreet Singh Vs. Union of India, 2008 (2) RCR (Civil) 207, that explained how interest on solatium will be worked out in Land Acquisition Act, 1894, (In short the 'Act'), if there was no reference to interest on solatium in the award. The Court explained in para No.54 that if the award of the reference Court or that of the Appellate Court did not specifically refer to the question of interest, such interest on solatium could be claimed only in pending executions and that further the execution Court will be entitled to permit its recovery from the date of judgment in the Sunder Singh's case namely on 19.09.2001 and not for any prior period. The award which was passed under Section 28A of the Act made no reference to interest on solatium and consequently the provision for interest could be made only from 19.09.2001.

The order already passed stands modified and the calculation will be brought afresh by the decree holder for making any recovery for the amount as claimable in terms of this judgment as still

due and payable.

The order passed by the Court below is modified and the civil revision petition is disposed of on the above terms.

(K.KANNAN)
JUDGE

11.12.2015

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