

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

CR No.5186 of 2014 (O&M)

Date of decision: 29.10.2015

State of Punjab & another

... Petitioners

Vs.

Gurhant Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Piyush Bansal, DAG, Punjab, for the petitioners.

Mr. Satbir Rathore, Advocate, for the respondents.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 24.10.2013, whereby, despite pendency of the objections under Order 21 Rule 58 and 59 CPC, the lower Appellate Court has directed the State to calculate the solatium and interest.

Mr. Piyush Bansal, learned Deputy Advocate General, Punjab submits that the order is vitiated in law, inasmuch as once a categoric objection had been taken, the lower Appellate Court could not have passed impugned order as has been done, as it tantamounts to dismissal of all the objections which are still to be decided. He, thus, prays that impugned order is liable to be set aside and the matter may be remanded back to the lower Appellate Court for deciding the objections.

Mr. Satbir Rathore, learned counsel appearing on behalf of the respondent submits that the aforementioned facts are not in dispute. The objections are still pending. He further submits that if the impugned order is allowed to sustain, no prejudice would be caused to the State, in case, State gives the calculation containing the element of interest, it would help the Court in deciding the objections.

I have heard learned counsel for the parties and appraised the paper book.

In my view, the lower Appellate Court ought not to have passed the impugned order, Annexure P-6, directing the State to give calculations by depositing solatium along with interest while objections of other side are still pending. In essence, it tantamounts to dismissal of the objections without any adjudication, much less, arguments.

Accordingly, the impugned order is set aside. The lower Appellate Court is directed to decide the objections, whereby, the plea of non-entitlement of solatium along with interest has also been taken, expeditiously as possible, preferably within a period of four months from the date of receipt of certified copy of this order.

Revision petition stands allowed.

(AMIT RAWAL)
JUDGE

October 29, 2015
savita