

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7497 of 2009 (O&M)
Date of decision:10.03.2016

Amarjit Singh and others

... Petitioners

Vs.

The Amritsar Improvement Trust, Amritsar & another ... 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. Arun Bansal, Advocate
for the petitioners.

Mr. Sudhir Pruthi, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

The revision petition is directed against the order dated 08.08.2009 (Annexure P-1), whereby, the objection has been accepted and execution application has been dismissed.

Mr. Arun Bansal, learned counsel for the petitioners submits that award dated 22.12.2005 passed by the Land Acquisition Tribunal (constituted under the Punjab Town Improvement Act) contains the element of solatium of 30%. As per the calculation submitted, the solatium was claimed on enhanced compensation of ₹2,38,425.58, whereas, according to the Improvement Trust, it should be on ₹1,74,990/-. This aspect has not been noticed by the Court

below.

Mr. Sudhir Pruthi, learned counsel appearing on behalf of the respondents submits that the land owners are not entitled to solatium on enhanced amount of compensation and the calculation in this regard has been submitted.

In rebuttal, Mr. Bansal, submits that even award passed by the Land Acquisition Collector also contains the element of solatium. However, the Executing Court has not undertaken the calculation into consideration and dismissed the application without assigning any reasons.

I have heard learned counsel for the parties and appraised the paper book and of the view that order under challenge sans merit, for the reasons that application vis-a-vis calculation was submitted by the parties, particularly with regard to solatium whether the decree holders are entitled to the solatium on the enhanced amount of compensation or on solatium awarded by the Land Acquisition Collector or as per the calculation submitted by the Improvement Trust. Thus, I deem it appropriate to direct the trial Court to undergo the exercise by taking the aid of Land Acquisition Collector by seeking his report vis-a-vis calculation and thereafter decide the execution application, in accordance with law.

In view of the aforementioned observations, the impugned order is set aside and execution application is restored to its original number.

With the aforementioned directions, revision petition stands allowed.

(AMIT RAWAL)
JUDGE

March 10, 2016
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