

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.690 of 2016 (O&M)  
Date of Decision.03.02.2016

Union of India

.....Petitioner

Vs.

Bhalle Ram and others

.....Respondents

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

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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

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**K. KANNAN J. (ORAL)**

1. The revision petition is against the order passed by the Executing Court allowing for interest on the solatium for a period even before the decision in Sunder Vs. Union of India 2001 (2) LJR 856. The contention is that the decision in Gurpreet Singh Vs. Union of India (2006) 8 SCC 457 case has not been properly followed.

2. The decision in Gurpreet Singh's case (supra) sets out these propositions:-

(i) If there is claim for interest on solatium made by a claimant and it has been impliedly or expressly denied by the decision of the Reference Court or the Appellate Court, the interest cannot be claimed for any period before the decision in Sunder's case (supra).

(ii) If the Reference Court or the Appellate Court does not specifically refer to the question of interest on solatium and where the claim has not been made and not rejected then it

would be open for an Executing Court to apply the *ratio decidendi* of Sunder's case to say that the compensation awarded includes solatium as well.

3. I asked the counsel whether there had been any specific claim made for interest by the claimant and that it had been impliedly or expressly declined. The counsel for the Union is not able to point out anything that such a claim is made and rejected by the court below.

4. The counsel, however, would make a reference to what is stated as a clarification that such an interest on solatium could be claimed only in pending execution and not in closed execution. That must be understood in my view to a situation of when the full satisfaction has been recorded on the basis of decision prior to Sunder's case where a land owner may have given up or may not have claimed the interest on solatium. The obvious fall out of this reasoning shall be if a claim is not specifically made for interest on solatium and the Court had no occasion to specifically or impliedly decline the same and that further an amount received by the decree holder prior to the decision in Sunder's case had not concluded the proceedings by issuance of a full satisfaction, the land owner is always competent to secure interest on solatium even if any amount has been received prior to the decision in Sunder's case. That must be the understanding for all the subordinate courts till this decision is modified by some other higher forum. This judgment is directed to be circulated to all subordinate Judges for strict compliance.

5. The revision petition is disposed of with the above direction.

(K. KANNAN)  
JUDGE

February 03, 2016

Pankaj\*