

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

C.R. No.728 of 2016 (O&M)
Date of Decision.04.02.2016

Union of IndiaPetitioner
Vs.

Gurbachan Singh (since deceased) through his LR's and others
.....Respondents

2. C.R. No.754 of 2016 (O&M)

Union of IndiaPetitioner
Vs.

Mukhbir Singh and othersRespondents

3. C.R. No.758 of 2016 (O&M)

Union of IndiaPetitioner
Vs.

Mohan Singh (since deceased) through his LR and others
.....Respondents

4. C.R. No.759 of 2016 (O&M)

Union of IndiaPetitioner
Vs.

Mohinder Singh (since deceased) through his LR and others
.....Respondents

5. C.R. No.760 of 2016 (O&M)

Union of IndiaPetitioner
Vs.

Swarn Singh and othersRespondents

6. C.R. No.778 of 2016 (O&M)

Union of IndiaPetitioner
Vs.

Boor Singh (since deceased) through his LR's and others
.....Respondents

Present: Mr. Vivek Singla, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. All these cases relate to a claim for interest on solatium. A strained interpretation was attempted to be projected by the Union before the Executing Court that interest cannot be claimed unless the Court had ordered it and if at all, the interest can be claimed only after the date of decision in Sunder Vs. Union of India 2001 (2) LJR 856. The decision in *Sunder's case (supra)* was clarified by the Supreme Court in Gurpreet Singh Vs. Union of India (2006) 8 SCC 457 where the Court had set out three propositions and I am not inclined to repeat them, for this Court had an occasion to deal with it again in Union of India Vs. Bhalke Ram in C.R. No.690 of 2016 decided on 03.02.2016. The propositions allow for claiming interest on solatium even for a date prior to Sunder's case (supra) if there had been no rejection by the Reference Court or higher court for interest on solatium on explicit terms. In every other case, interest will be claimable even for the date prior to the decision in *Sunder's case*. The exception would still be in a situation where full satisfaction had been recorded. Mere payment of some money or deposit made by the Union under the assumption that it had made the full payment cannot secure to itself the benefit of non-liability for interest on solatium prior to the decision in *Sunder's case*. It is only the full satisfaction recorded that can give an immunity against further payment. In every other situation, the decision in *Sunder Vs. Union of India* must be given full expression.

2. All the revision petitions are dismissed.

(K. KANNAN)
JUDGE

February 04, 2016
Pankaj*