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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 13th November, 2017

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+ LA.APP. 358/2014 & CM No.17169/2014

UNION OF INDIA Appellant

Through: Mr.Siddharth Panda, Advocate

versus

SAVITRI DEVI & ANR Respondents

Through: Mr.S.K. Rout, Mr.Aman Mehtrotra,
Advocate for Respondent No.1

with

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LA.APP. 355/2014 & CM No.17163/2014, LA.APP.356/2014 & CM No.17165/2014, LA.APP. 357/2014 & CM No.17167/2014, LA.APP. 359/2014, Caveat No.910/2014, & CM No.17174-17175/2014, LA.APP. 360/2014 & CM No.17177/2014, LA.APP. 361/2014 & CM No.17183/2014, LA.APP. 362/2014 & CM No.17185/2014, LA.APP. 363/2014 & CM No.17189/2014, LA.APP. 364/2014 & CM No.17194/2014, LA.APP. 365/2014 & CM No.17200/2014, LA.APP. 366/2014 & CM No.17207/2014, LA.APP. 367/2014 & CM No.17212/2014, LA.APP. 368/2014 & CM No.17214/2014, LA.APP. 369/2014, LA.APP. 68/2015, LA.APP. 69/2015, LA.APP. 70/2015, LA.APP. 71/2015, LA.APP. 72/2015, LA.APP. 77/2015, LA.APP. 78/2015 and LA.APP. 83/2015

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellants have challenged the judgments of the Reference Court whereby the compensation has been enhanced.

2. This Court dismissed the appeals vide order dated 16th October, 2014 against which the appellant preferred Special Leave Petitions.

3. The Supreme Court vide judgment dated 21st September, 2017 allowed the appeals and remitted the matter back to this Court for permitting the parties to adduce evidence before the Reference Court and call for a finding from the Reference Court.

4. Relevant portion of the judgment dated 21st September, 2017 is reproduced hereunder:

“5. ...The High Court may permit the parties to adduce the evidence before the Reference Court and call for the finding of the Reference Court.

6. The circle rates for purpose of stamp duty could not have been made the basis for determining the market value. Resultantly, we set aside the judgment passed by the High Court. The appeals are allowed and the matters are remitted to the High Court for deciding afresh.”

5. Learned counsels for the parties submit that the impugned judgments of the Reference Court be set aside and the matters be remanded back to the Reference Court for recording additional evidence of the parties and passing fresh orders.

6. The appeals are allowed and the impugned judgments of the Reference Court are set aside and the matters are remanded back to the Reference Court for recording of the additional evidence and thereafter passing fresh orders.

7. Learned counsel for the appellant submits that the decretal amount has been deposited by respondent no.2 before the Reference Court and the same has been released to the private respondents. The appellant seeks refund of the decretal amount by the private respondents.

8. Learned counsel for the private respondents submit that the private respondents be permitted to retain the decretal amount till the fresh orders are passed by the Reference Court and the private respondents shall furnish sufficient security to the satisfaction of the Reference Court with an undertaking to deposit the amount along with such interest as the Reference Court may direct in the event of the appellant succeeding before the Reference Court. Let an undertaking in this regard along with the sufficient security to the satisfaction of the Reference Court be filed by the private respondents before the Reference Court within a period of six weeks from today. The learned Reference Court shall not permit the private respondents to lead additional evidence till the undertaking and the security in terms of this order is furnished by the private respondents before the Reference Court. In the event of the failure of the private respondents to file an undertaking and the security within six months, the appellant would be at liberty to initiate execution proceedings for recovery of the decretal amount from the private respondents in accordance with law. The parties shall appear before the Reference Court on 14th December, 2017. Learned counsels for the parties submit that they have noted down the next date of hearing and no fresh notice for their appearance would be required for appearance before the Reference Court.

9. Pending applications are disposed of.

10. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 13, 2017/dk