

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 28.3.2018

(1) CR-3770-2016 (O&M)

Punjab State Power Corporation Limited Petitioner

Versus

Bakshish Singh and others Respondents

(2) CR-3672-2016 (O&M)

Punjab State Power Corporation Limited Petitioner

Versus

Harpal Singh and others Respondents

(3) CR-3674-2016 (O&M)

Punjab State Power Corporation Limited Petitioner

Versus

Dara Singh Respondent

(4) CR-3805-2016 (O&M)

Punjab State Power Corporation Limited Petitioner

Versus

Jagat Singh (deceased) through his LRs Respondents

(5) CR-3821-2016 (O&M)

Punjab State Power Corporation Limited Petitioner

Versus

Mohinder Singh (deceased) through his LRs
and others Respondents

(6) CR-3883-2016 (O&M)

Punjab State Power Corporation Limited Petitioner

Versus

Rajinder Kaur (deceased) through his LRs
and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.L.Sharma, Advocate for the petitioner.

Mr. Naresh Kaushal, Advocate for respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This order of mine shall dispose of above mentioned six civil revisions bearing ***CR-3770-2016; CR-3672-2016; CR-3674-2016; CR-3805-2016; CR-3821-2016 and CR-3883-2016*** as the common question of law and facts are involved in all the petitions. For brevity, the facts are being taken from ***CR-3770-2016***.

Heard.

It comes out that execution is pending against the petitioner in which warrants of attachment has been issued. Vide impugned order dated 28.1.2016 (Annexure P-6), passed by learned Additional District Judge, Rupnagar (Executing Court), in an execution petition No. 784 dated 19.8.2015 the prayer to recall the order of issuing warrants of attachment has been declined.

It was sought to be pleaded that interest on solatium cannot be paid and decree holder is not entitled to any interest on solatium and additional compensation as per the authority of the Hon'ble Supreme Court delivered in ***State of Punjab versus Amarjit Singh and another, 2011 AIR (SC) 982.***

Similar matter was considered by this Court in ***CR-3405-2016***, titled as ***Punjab State Power Corporation Limited versus Jasbir Singh***

and another, wherein, after considering the case law, it was observed as under: -

“In view of the judgment in Sunder versus Union of India, 2001 (4) RCR (Civil) 727, as well as other judgments referred to in M/s Punjab Small Industries and Export Corporation Limited versus Shambhu Ram through LRs and others (EFA-12-2017), it has to be held that the parties are governed by the award passed by the Court. In case the interest on the solatium is specifically awarded in the award, the Executing Court cannot go beyond the decree and interest on solatium is to be awarded in terms of the award passed by the Court.”

In the aforesaid judgment delivered in Punjab State Power Corporation Limited 's case (supra), the Court held that if the solatium has been awarded in the award, the executing Court cannot go beyond the decree and interest on solatium is to be awarded in terms of the award passed by the Court. However, if such interest has not been specifically awarded, it has to be governed by the authority of Sunder's case (supra).

In view of above, all the civil revision petitions are dismissed upholding the impugned orders dated 29.2.2016 (Annexure P-4) and dated 28.1.2016 (Annexure P-6), passed by learned Additional District Judge, Rupnagar (Executing Court).

Since, the main revision petitions are dismissed, the miscellaneous application pending, if any, stands disposed of.

(KULDIP SINGH)
JUDGE

28.3.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No