

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 16.10.2018

1. CR No.5812 of 2018(O&M)

Kumud Kumar Jain

.....Petitioner

Versus

State of Haryana and others

.....Respondents

2. CR No.5821 of 2018(O&M)

Kumud Kumar Jain and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

3. CR No.5935 of 2018(O&M)

Smt. Raj Kumari (since deceased) through LRs

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Satish Chaudhary , Advocate
for the petitioner(s) in all the cases.

Mr. Ram Tilak Redhu, DAG, Haryana in all the cases.

Mr. Inderjit Singh Sidhu, Advocate
for respondent No.2 in all the cases.

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order CR No.5812 of 2018 titled
Kumud Kumar Jain Vs. State of Haryana and others, CR

No.5821 of 2018 titled Kumud Kumar Jain and others Vs. State of Haryana and others and CR No.5935 of 2018 titled Smt. Raj Kumari (since deceased) through LRs Vs. State of Haryana and others are being decided.

[2]. Learned counsel for respondent No.2 submitted that amount under award has already been deposited with the executing Court and the State has not challenged the enhanced amount in any further litigation or before the Hon'ble Apex Court.

[3]. Trial Court while passing the impugned order dated 15.05.2018 has placed a rider in the form of execution of indemnity and surety bonds for the release of the amount.

[4]. According to learned counsel for the petitioner(s) the said condition is onerous enough to decline the enhanced amount of compensation in favour of the petitioner.

[5]. Admittedly, the award of enhanced amount has not been assailed by the State and respondents No.2 and 3 in any Forum.

[6]. On 04.09.2018, the State was required to disclose the factum of any stay granted against the award of enhanced amount. In compliance to the aforesaid direction, Mr. Ram Tilak Redhu, DAG, Haryana very candidly stated that no SLP was filed against the enhanced amount of compensation. Mr. Inderjit Singh Sidhu, Advocate for respondent No.2 has also admitted

the aforesaid fact that there was no litigation pending at the instance of respondent No.2 at any Court of law.

[7]. In my considered opinion, the condition of executing indemnity and surety bonds for release of the amount is not sustainable. The amount has to be released unconditionally as there is no restraint against the release of the amount by any Court till date and parties are *ad idem* that no litigation is pending *inter se* between the parties in respect of enhanced amount in question.

[8]. For the reasons recorded hereinabove, I deem it appropriate to set aside the impugned order(s) and direct the executing Court to release the amount without insisting upon any indemnity and surety bonds.

[9]. Disposed of.

October 16, 2018

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No