

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

Date of decision : 1.3.2018

(1) CR-7536-2011 (O&M)

**Union of India through Defence
Estate Officer, Bathinda**

..... Petitioners

Versus

Parvinder Singh and another

..... Respondents

(2) CR-283-2012 (O&M)

**Union of India through Defence
Estate Officer, Bathinda**

..... Petitioner

Versus

Ranjit Kaur @ Gurcharan Kaur and another **..... Respondents**

(3) CR-284-2012 (O&M)

**Union of India through Defence
Estate Officer, Bathinda**

..... Petitioner

Versus

Basant Kaur and others

..... Respondents

(4) CR-292-2012 (O&M)

**Union of India through Defence
Estate Officer, Bathinda**

.....Petitioner

Versus

**Gajjan Singh since deceased
through his LRs and another**

..... Respondents

(5) CR-296-2012 (O&M)

**Union of India through Defence
Estate Officer, Bathinda**

..... Petitioners

Versus

Harjit Kaur and others

..... Respondents

(6) CR-1407-2012 (O&M)

**Union of India through Defence
Estate Officer, Bathinda**

..... Petitioners

Versus

Baldev Singh and others

..... Respondents

(7) CR-2104-2012 (O&M)

Union of India through Defence
Estate Officer, Bathinda

..... Petitioners

Versus

Bohar Singh and another

..... Respondents

(8) CR-3027-2012 (O&M)

Union of India through Defence
Estate Officer, Bathinda

..... Petitioners

Versus

Teja Singh since deceased
through his LRs

..... Respondent

(9) CR-3028-2012 (O&M)

Union of India through Defence
Estate Officer, Bathinda

..... Petitioners

Versus

Barjinder Singh and others

..... Respondents

(10) CR-3041-2012 (O&M)

Union of India through Defence
Estate Officer, Bathinda

..... Petitioners

Versus

Karnail Singh and others

..... Respondents

(11) CR-3042-2012 (O&M)

Union of India through Defence
Estate Officer, Bathinda

..... Petitioners

Versus

Kishori Lal since deceased through his LRs

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Ranjana Shahi, Advocate for the petitioner

Mr. M.L.Sharma, Advocate for respondent No. 1.

Mr. Deepak Aggarwal, Advocate for respondent No. 2.

Mr. Amit Aggarwal, Advocate for respondent(s)
(CR-283, 296, 3028 of 2012).

Mr. Ashok Jindal, Advocate for respondent(s).

Mr. Ranjan Bansal, Advocate for respondent(s)

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 eleven revision petitions i.e. ***CR-7536-2011, CR-296-2012, CR-292-2012, CR-284-2012, CR-283-2012, CR-3042-2012, CR-3041-2012, CR-3028-2012, CR-3027-2012, CR-1407-2012*** and ***CR-2104-2012*** as the common questions of law and facts are involved in all the petitions. For brevity, the facts are being taken from ***CR-7536-2011***.

The short controversy involved in all the petitions is that the land of the respondents was acquired vide notification dated 20.1.1975. Thereafter, the Special Land Acquisition Collector-cum-Competent Authority, Jalandhar passed the award dated 6.3.1975 which has since become final. The execution application of the said award is pending.

The short question raised before this Court is as to whether the interest is payable on the solatium and if so, from which date it will be payable?

Learned counsel for the petitioner contended that in some of the cases, the interest was specifically awarded whereas some of the awards are silent about the interest on the solatium.

The controversy has already been settled by various judgments of this Court.

The matter was recently considered by this Court in ***EFA-12-2017*** titled as ***M/s Punjab Small Industries and Export Corporation Limited versus Shambhu Ram through LRs and others***, decided on

16.2.2018 wherein the authority of Hon'ble Apex Court in **Sunder versus Union of India, 2001(4) RCR (Civil) 727**, as well as various judgments of this Court were considered. In **Shambhu Ram's case (supra)**, the interest was specifically awarded in the award. Therefore, it was held that interest on solatium is to be paid in terms of the decree and not from the date of judgment of the Hon'ble Apex Court in **Sunder's case (supra)**. It was observed by this court as under: -

This Court, while deciding RFA No. 2532 of 2009, titled as Arun Kumar and others Versus Land Acquisition Collector and others, disposed of said appeal, vide order dated 20.1.2010, stating that 'learned counsel for parties have agreed that the issue involved in present case is squarely covered by judgment of this Court in RFA No. 4060 of 2008, titled as Atma Singh and others Versus The Land Acquisition Collector, Industries Department, Punjab, Chandigarh, and others, decided on 5.5.2009, following an earlier judgment passed in RFA No. 1881 of 2000, titled as Labh Singh (dead) through his LRs Major Singh and another Versus The Collector, Land Acquisition and another, decided on 25.8.2008'.

Now, the perusal of judgment of this Court in Labh Singh's case (supra) shows that while referring the judgment of Apex Court in Sunder's case (supra), it was held that person entitled to compensation awarded is also entitled to get interest on the aggregate amount including solatium. The reference was accordingly answered. The plea of JDs before the trial Court is that interest on solatium is to be paid from the date of judgment of Apex Court in Sunder's case (supra). The judgment of Apex Court in Sunder's case (supra) has been referred to by learned Additional District Judge, Ludhiana, which deals with the matter when the interest on the solatium is not granted by the decree and is sought for the first time in the execution.

In view of the judgment in **Sunder's case (supra)** as well as other judgments referred to in **Shambhu Ram's case (supra)**, 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.

However, in case the interest on solatium is not specifically awarded in the award, the same is payable from the date of judgment in *Sunder's case (supra)* as held by Hon'ble Apex Court in *Gurpreet Singh versus Union of India, 2008 (2) RCR (Civil) 207*. The law point is accordingly answered and is to be followed by the Executing Court in all the above noted revision petitions.

Learned counsel for the petitioner in **CR-3042-2012** has stated that execution petition has already been dismissed as satisfied and the revision was filed after one year of the passing of the order.

I am of the view that in **CR-3042-2012**, the above noted principal will apply.

Disposed of in the above noted term.

Since the main petitions have been disposed of, the miscellaneous application pending, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

1.3.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No