

The perusal of award dated 14.5.2008 (Annexure-P-4), passed by learned Additional District Judge, Ludhiana, shows that interest on the

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amount of solatium was not specifically granted in the said award. Punjab Small Industries and Export Corporation Limited filed an appeal before this Court. 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 the said decree, it was held that interest is payable from the date of judgment of Apex Court in *Sunder's* case (supra). However, in the instant case, award passed by the learned Additional District Judge, Ludhiana, merged in the decree of this Court in which

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interest on solatium was specifically granted. Therefore, interest on solatium is to be paid in terms of decree and not from the date of judgment of Apex Court in Sunder's case (supra). There is no illegality or infirmity in impugned order. Same is accordingly upheld. Consequently, instant appeal is dismissed.

The learned counsel for appellant has informed this Court that some amount, as claimed by decree holders, has been paid and the case is fixed for tomorrow before Executing Court.

It being so, the Executing Court is directed to release the said amount tomorrow itself in favour of decree holders and enforce the execution regarding balance amount with iron hands.

(KULDIP SINGH)
JUDGE

16.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No