

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

**LPA No.1136 of 2018(O&M)
Date of decision: 10.09.2018**

State of Haryana and others

... Appellants

Versus

Rekha Rani and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Sharad Aggarwal, AAG, Haryana,
for the appellants.
Mr. Sandeep Singh Jattan, Advocate for respondent No.1.

KRISHNA MURARI, C.J. (Oral)

CM-3054-LPA-2018

For the reasons set out in the application, the delay of 115 days
in re-filing the appeal is condoned and the application stands disposed of.

LPA No.1136 of 2018(O&M)

This appeal filed under Clause X of the Letters Patent is
directed against the judgment and order of the learned Single Judge dated
25.01.2018 awarding a compensation of ₹ 12 Lakh on account of custodial
death of the predecessor-in-interest of the claimant-respondent No.1.

Under the directions of the learned Single Judge, the amount
was to be paid within a period of one month from the date of receipt of
certified copy of the order, failing which 9% interest per annum from the

date of death of deceased till the date of actual realization would become payable.

The predecessor Bench while hearing the appeal filed by the State on 27.07.2018, passed the following order:

“After hearing counsel for the State/appellants, we are, prima facie, not inclined to interfere in the order of grant of compensation of ₹ 12 lakh to the respondents by the Single Bench of this Court as the husband of respondent No.1 has died while in judicial custody. We do not find any force in contentions of the learned counsel for the State/appellants that the deceased was killed on account of fighting between the groups in the jail. Safety of the inmates is always the duty of the State authorities.

Learned counsel for the State/appellants has also submitted that the order of grant of interest and the rate of interest from the date of death is not reasonable.

On asking of the Court whether the State is ready to pay the amount within a period of two months to avoid the interest from the retrospective date, State counsel seeks time to get instructions.

Adjourned to 20.08.2018.”

Learned Assistant Advocate General appearing for the State, on the basis of the instructions from Sh. Joginder Singh, Assistant, O/o Director General of Prisons, Haryana, states that the Government has sanctioned a sum of ₹ 12 Lakh to be paid as a compensation and the said amount shall be paid to respondent No.1 within 10 days from today.

Learned counsel appearing for respondent No.1 submits that interest also becomes liable to be paid in view of the order passed by the

learned Single Judge as the payment was not made within a period of one month as directed and even the appeal was not preferred within the said period.

In the interest of justice, we feel that respondent No.1 is entitled to be paid interest @ 9% per annum as determined by the learned Single Judge with effect from the date of the judgment of the learned Single Judge which is 25.01.2018 till the actual payment is made. State-respondent shall calculate the amount accordingly and the payment of the same shall be made to respondent No.1 within a period of 6 weeks from today.

With the aforesaid observations and directions, the appeal shall stands finally disposed of.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

10.09.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO