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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1347/2010

RAM NARAIN & ORS

..... Petitioners

Through: Mr.J.P. Sengh, Sr. Adv. with Mr. Raj
Sharma, Ms. Manisha Mehta, Ms.
Vaishali Tanwar & Ms. M. Shekhar,
Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms. Shobhna Takiar, Adv. for DDA

+ CM(M) 1348/2010

RAM NARAIN & ORS

..... Petitioners

Through: Mr.J.P. Sengh, Sr. Adv. with Mr. Raj
Sharma, Ms. Manisha Mehta, Ms.
Vaishali Tanwar & Ms. M. Shekhar,
Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms. Shobhna Takiar, Adv. for DDA

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.04.2018**

Review Petitions Nos. 353/2014, 355/2014

The main petitions were dismissed by common order passed on
23.11.2011 by a learned Single Judge (Indermeet Kaur, J), *inter alia*, on the

CM(M) 1347-48/2010

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basis of facts that the execution petition taken out by the petitioner had been “disposed of” on 11.05.2001, the amount sought to be recovered by the execution having been paid on 24.08.2005, the impugned order dated 23.10.2009 having been passed in second execution petition which was filed on 01.12.2006. The review petitions were filed in the wake of order dated 15.05.2014 of the Supreme Court whereby liberty had been granted for such review petitions being filed, the SLPs presented having been withdrawn.

The prime submissions of the petitioners are that the order dated 23.11.2011 was passed on erroneous assumptions on above chronology of facts. In the submission of the petitioner the execution application which was filed on 26.07.2001 was still pending at the stage when the impugned order was passed. In this context, the petitioners rely on the ruling of the Supreme Court in *Gurpreet Singh vs. Union of India (2006) 8 SCC 457* which explained the law earlier declared in *Sunder vs. Union of India (2001) 7 SCC 211*. The inquiry into the facts, particularly as to whether the execution petition was still pending when the impugned order was passed by the executing court requires to be held by the executing court and in that light it will be proper that the executing court first takes a call on the request of the petitioner for grant of interest on solatium and the additional compensation which was granted. Ordered accordingly.

Consequently the judgment dated 23.11.2011 is set aside. The impugned orders of the executing court are vacated. The matter is remitted to the executing court for further inquiry in above light and fresh consideration of the prayer of the petitioner for grant of interest on the solatium and the additional compensation.

The parties are directed to appear before the executing court for appropriate further proceedings in accordance with law on 8th May, 2018.

The petitions are disposed of in above terms.

R.K.GAUBA, J.

APRIL 12, 2018

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