

In the High Court for the States of Punjab and Haryana at Chandigarh

Date of Decision: May 03, 2019

1) *C.R. No. 8777 of 2016 (O&M)*

Union of India

... Petitioner

Versus

Amar Singh and others

.... Respondents

2) *C.R. No. 8786 of 2016*

Union of India

.... Petitioner

Versus

Sher Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arun Gosain, Sr. Panel Counsel,
for the petitioner.

Mr. Ajay Jain, Advocate,
for respondent No.1 in CR-8786-2016.

Amit Rawal, J. (Oral)

This order of mine shall dispose of two Civil Revisions bearing
Nos. 8777 and 8786 of 2016.

Both the afore-mentioned revision petitions are directed against
the impugned order dated 13.10.2016 (Annexure P/1) of the Executing
Court calling upon the Union of India to pay interest on solatium.

Mr. Arun Gosain, learned counsel, appearing on behalf of the

petitioners, submitted that earlier the matter was adjourned on account of the fact that interpretation ratio which culled out in ***Gurpreet Singh vs. Union of India, 2008(2) R.C.R. (Civil) 207*** and ***Sunder vs. Union of India, 2001(4) R.C.R. (Civil) 727*** was referred to the larger Bench which came to be decided on 14.11.2018, but the factum of the matter, the case of the land owners seeking execution is still pending and the cut of date for payment of interest in this case is 19.09.2001 i.e. from the date of judgment.

Per contra, learned counsel for the land owner in this case rebuts the arguments of the learned counsel for the petitioners and to say that since there were certain judgments passed by the reference Court or the higher Court are silent with regard to the joint of interest cut of date i.e. 19.09.2001, but in the present case reference/appellate Court in this award dated 24.04.1989 has clarified with regard to the payment of interest, therefore, cut of date would not be 19.09.2001 and submits that para no.54, the Hon'ble Supreme Court in the case of ***Gupreet Singh (supra)*** has clarified the payment of the interest in case order of reference / appellate Court is silent.

I have heard learned counsel for the parties and appraised the paper book.

There is no denial of the fact that the award is of the year 1989.

In view of the above, I deem it appropriate to dispose of the revision petitions with the direction to the Executing Court, to decide the execution application, in accordance with prevailing law.

The parties to the *lis* shall be at liberty to raise all possible pleas before the Executing Court.

Both the afore-mentioned revision petitions i.e. C.R. No. 8777

and 8786 of 2016 stand disposed of accordingly.

May 03, 2019
vkd

(Amit Rawal)
Judge

Whether reasoned / speaking : Yes

Whether reportable : No