

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

**IOIN-RFA-5297-2010 IN
RFA-5297-2010
ALONG WITH
CM-7283-CI-2018 AND
IOIN-RFA-4622-2010 IN
RFA-4622-2010**

**Parbhu Dayal & Ors.
Versus
State of Haryana & Ors.**

Present: Mr. RS Sangwan, Advocate for applicant/appellant(s)

Ms. Vibha Tewari, AAG Haryana

None for the respondents

As per the office report, respondents No.9,25,26,28to47,52,53 (in RFA-5297-2010) and Respondents No.27 to 35 & 37 (in RFA-4622-2010) could not be served for want of correct/complete address whereas respondents No.7,8,10to13,22to24&27 (in RFA-5297-2010) are reported to have died. Remaining contesting respondents have been served.

Application for stay (CM-7283-CI-2018 IN RFA-4622-2010) has been filed. As per the impugned award dated 07.04.2010, Jagmal Singh etc. who had filed LAC case No.184 of 2008 were held entitled to compensation on account of being owners of the acquired land. The appellants who claimed compensation on account of being tenants thus pray that the amount be not disbursed to the landowners as it will be difficult to recover in case the appeal is allowed.

Keeping in view the judgment of the Apex Court in **Haryana Wakf Board vs. State of Haryana (2018) 1 RCR (Civil) 150**, this Court is of the opinion that if an amount of 10% on the amount of compensation awarded is not disbursed to the respondent-landowners, it would secure the ends of justice for the appellants. Resultantly, this application is disposed of

and it is directed that the Executing Court shall not disburse the amount to

the respondent-landowners beyond 90% of compensation deposited. The balance 10% shall be kept in FDR so as to earn highest rate of interest so that the same is paid to the successful litigants as and when the amount is to be paid.

CM-7283-CI-2018 IN RFA-4622-2010 stands disposed of.

Since service has been effected on the contesting respondents, therefore, no further order is required to be passed in IOIN-RFA-5297-2010 and the same also stands disposed of accordingly.

Photocopy of this order be placed on the record of other connected matter(s).

16.01.2019
Vvishal

(G.S. Sandhawalia)
Judge