

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
146**

LPA-489-2022 (O&M)

Date of Decision: July 04, 2022

SANTOSH DEVI AND ANOTHER

...APPELLANTS

Versus

UNION OF INDIA AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

**Present: Mr. Himanshu Sharma, Advocate,
for the appellants.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 17.02.2022 passed by the learned Single Judge.

It is the contention of the learned counsel for the appellants that the learned Single Judge has not taken into consideration the aspect with regard to the disbursement of the amount of compensation to respondent No. 4 during the pendency of the case before the Principal Civil Court where the issue with regard to the entitlement of the compensation representing the structure is pending. His contention is that the appellants would be entitled to interest also, in case they are ultimately found to be the rightful persons for release of the compensation. He contends that as a huge amount is involved, there is every likelihood that respondent No. 4 may not release the said amount and it would be difficult for the appellants to recover the same. Assertion has, on this basis, been made that the impugned order cannot sustain.

We have considered the submissions made by the learned

counsel for the appellants and have gone through the impugned order.

The order, as has been passed by the learned Single Judge, firstly is a consented order as is apparent from the language of the said order, which factum has not been disputed by the learned counsel for the appellants. He, however, has only asserted the limited aspect that the appellants may not be able to recover the amount from respondent No. 4 who has been disbursed the amount of compensation which has been granted by the National Highway Authority of India.

This apprehension of the learned counsel for the appellants is misplaced at this stage as the issue with regard to the entitlement is pending before the Principal Civil Court.

It goes without saying that in case the appellants are held entitled to the compensation amount for the structure, they may also be entitled to interest, if such a prayer has been made before the Principal Civil Court and granted by it. In any case, the present issue having not been pressed at least, as is apparent from the order passed by the learned Single Judge, the said plea cannot be allowed in the present appeal. There is no illegality in the order, which primarily is a consented order, and, therefore, the appeal stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(SANDEEP MOUDGIL)
JUDGE**

July 04, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No