

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CWP-10881-2021

Date of Decision : April 28, 2023

Lovepreet Singh

.. Petitioner

Versus

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Karan Singh Verka, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Notice of motion.

Mr. R.S. Madan, Advocate, who is present in the Court, accepts
notice on behalf of the respondents.

Learned counsel for the parties concede a fact that the question
of law raised in the present petition is covered by the decision of the
Division Bench of this Court in *LPA No.4965 of 2018 titled as National
Highway Authority of India vs. Resham Singh and others and other
connected cases, decided on 12.04.2023.*

Learned counsel for the petitioner submit that the present
petition be also disposed of in same terms and conditions.

Learned counsel for the respondents submits that though the
question raised in this petition is covered by the decision of the Division
Bench of this Court in *Resham Singh's case (supra)* but the Department
intends to file Special Leave Petition before the Hon'ble Supreme Court of
India impugning the judgment of the Division Bench of this Court in

Resham Singh's case (supra) hence, the present petition may kindly be

adjourned so as to avoid multiplicity of litigation or in the alternative, the petitioner should undertake before this Court that in case the judgment of the Division Bench of this Court in ***Resham Singh's case (supra)*** dated **12.04.2023** is either stayed or modified in any manner by the Hon'ble Supreme Court of India, the same will be applicable even upon the petitioner ipso facto.

Learned counsel for the petitioner submits that the petitioner undertake that in case, the judgment of the Division Bench of this Court in ***Resham Singh's case (supra)*** is either stayed or modified by the Hon'ble Supreme Court of India, the said interim order or the modification of the judgment in ***Resham Singh's case (supra)*** by the Hon'ble Supreme Court of India, will be acceptable to him and he will only claim the benefits of the said modified judgment, if any and will not raise any objection.

Keeping in view the agreement between the parties, as the question of law raised in the present petition has already been decided by the Division Bench of this Court while passing order in ***Resham Singh's case (supra)***, the present petition is also disposed of in same terms with the clear indication that as undertaken by the learned counsel for the petitioner, in case the judgment in ***Resham Singh's case (supra)*** is stayed or modified in any manner by the Hon'ble Supreme Court of India, any interim order or modification of judgment in Resham Singh's case (supra) by the Hon'ble Supreme Court of India will ipso facto applicable upon the petitioner.

April 28, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No