

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)

02

RP No. 02/2024

- 1. General Manager, Northern Railways, New Delhi**
2. Executive Engineer S&C, Northern Railways
Tulsibagh, Srinagar.Appellant(s)/Petitioner(s)

Through: Mr. Nazir Ahmad Bhat, Advocate..

vs

- 1. Abdul Majeed Wani and 2. Ahad Wani**
(both sons of Assad Wani
residents of Nehama Pulwama)
3. Collector Land Acquisition, Northern Railway
(ACR), Pulwama
4. Managing Director, M/S IRCON,
International Ltd. Srinagar Respondent(s)

Through: Mr. Hamza Prince, Advocate for R-1 & 2

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
07.03.2024

01. The appellants/applicants through this review petition, has sought review of the judgment passed in CFA No. 09/2018 titled "*General Manager Northern Railways, & Anr. Vs. Abdul Majeed Wani & Ors*", decided by this Court vide judgment dated 28.12.2023, asserting therein that this Court while modifying the Award passed by the Reference Court from an amount of Rs. 37.48 lacs to Rs. 35.41 lacs along with solatium @ 15% and interest 6% per annum as granted by the Reference Court, had not made any observation with regard to the amount already received by the respondent owners of the land which as per the statement of learned counsel for the appellants is an amount of Rs. 21,80,300/-.

02. Mr. Hamza Prince, learned counsel appearing for the land owners-the respondents no. 1 and 2, submits that they shall have no objection, in case, a direction is passed to the Reference Court that the amount already received by them is adjusted while executing the award having been passed by the Reference Court and as modified by this Court vide judgment dated 28.12.2023.

03. Though on this point no review was required to be filed as this was for the Trial/Executing Court to ensure that the payment, in terms of its Award, having been modified by this Court, is to be executed as per the terms and conditions of the decree, and the amount already paid, if any, to the land owners has to be adjusted against the total amount payable, however, this Court feels that a clarification in this matter shall be in the interest of justice while disposing of this Review Petition.

04. In this backdrop, the Reference/Executing Court while executing the Award passed by it having been modified by this Court vide judgment dated 28.12.2023 shall execute the Award having regard to the amount already received by the land owners before the appeal having been decided, shall adjust the same against the total payment. The Executing Court shall recover the balance amount from the appellants for making payment to the respondents no. 1 and 2 as per Rules.

05. The Review Petition with this limited clarification is, accordingly, disposed of.

(MA Chowdhary)
Judge

Jammu
07.03.2024
Abinash