

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.7651 of 2023 (O&M)
DATE OF DECISION: 16th FEBRUARY, 2024

Union of India

.... Petitioner

Versus

Mohan Singh through his LR's and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.K. Sharma, Advocate
Senior Panel Counsel
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CM-2326-CII-2024

This is an application for placing on record calculation sheets.

For the reasons mentioned in the application, the same is allowed. Calculation sheets are taken on record.

Main Case

1. The present revision petition has been filed under Article 227 of Constitution of India for setting aside the impugned order dated 11.09.2018 (Annexure P-1), passed by the Executing Court, Ludhiana, whereby the objections to the execution petition filed by the petitioner have been dismissed; with certain other prayers made in the present petition.

2. The main argument raised by learned counsel for the petitioner is that since the Reference Court or the Appellate Court had not granted interest on solatium, therefore, the Executing Court is not empowered to grant the same in execution. Another argument raised by learned counsel for the petitioner is that since the acquisition involved in the case is under the Requisition and Acquisition of Immovable Property Act, 1952 and Rules 1953, therefore, solatium itself is not available to the land owners whose land is acquired.

3. Notice of motion.

4. Mr. Rajesh Gupta, Advocate, accepts notice on behalf of respondent No.1 and submits that the very award passed in the present case had gone to the Hon'ble Supreme Court by way of *SLP (C) No.17667-2007* titled as *Union of India Versus Vidya Rani and another* and the Hon'ble Supreme Court had held that the land owners are entitled to the solatium as well, despite the fact that the acquisition in the present case was under the Requisition and Acquisition of Immovable Property Act, 1952 and Rules 1953. Learned counsel for respondent No.1 has further submitted that the grant of interest on solatium was not specifically denied by any Court, nor the same was denied specifically by any necessary implication from the order of the Hon'ble Supreme Court. Therefore, the Executing Court has rightly granted the interest on solatium.

5. Having considered the arguments raised by learned counsel for the parties, this Court finds that the matter qua grant of solatium qua acquisition of properties under the Requisition and Acquisition of Immovable Property Act, 1952 and Rules 1953 was finalized by the

Hon’ble Supreme Court in the award involved in the present case only. Therefore, the solatium has rightly been awarded by the Executing Court. Not only that, there is no exclusion of payment of interest on the solatium either directly or by necessary implication from any order, as such. Therefore, the Executing Court has rightly granted the interest on solatium, as well. The matter stands duly covered by the judgments rendered by the Hon’ble Supreme Court in the cases of ***Gurpreet Singh Versus Union of India, 2008 (2) RCR (Civil) 207 (SC)***, and ***Sunder Versus Union of India, 2001 (4) RCR (Civil) 727***. In compliance of the above said judgments of the Hon’ble Supreme Court only, the Executing Court has granted the interest on solatium w.e.f. 19.09.2001.

6. In view of the above, this Court does not find any illegality, impropriety or perversity in the impugned order passed by the Executing Court. Hence, the present petition is dismissed.

16th FEBRUARY, 2024
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No