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29.7.2025
Ct. No. 16
SB

FA 58 of 1987
CAN 1 of 2023
CAN 2 of 2023
with
FA 59 of 1987
CAN 1 of 2023
CAN 2 of 2023
with
FA 60 of 1987
CAN 1 of 2023
CAN 2 of 2023

Union of India
Vs.
Nripendra Kumar Nandi

Mr. Indrajeet Dasgupta
Ms. Farnaz Nasim ... for the appellant

Ms. Piyali Sengupta
Mr. Victor Chatterjee ... for the respondent

1. Report filed by the Secretary, Calcutta High Court Legal Services Committee with annexures and copy of the order dated 21.12.2021 passed by a co-ordinate Bench are taken on record.
2. It appears from the report that Smt. Minati Nandi has refused to meet the PLV sent by the Secretary, SDLSC, Barrackpore, North 24 Parganas to apprise her of the appointment of an advocate represent her in this matter.
3. Learned counsel appearing on behalf of the Calcutta High Court Legal Services Committee representing Smt. Minati Nandi has submitted that no positive instruction has been received from Smt. Minati Nandi.
4. In the facts and circumstances of the case and on being satisfied with the explanation offered on behalf of the appellant for the delay in filing the application for

restoration, we allow the application for restoration along with a prayer for condonation of delay.

5. The applications being CAN 1 of 2023 and CAN 2 of 2023 are disposed of.
6. By consent of the parties the appeal and the applications are treated as on day's list after the appeal is restored and disposed of by this common order.
7. Mr. Dasgupta, learned counsel appearing on behalf of the appellant has submitted that this appeal can be disposed of on the basis of the order passed by a co-ordinate Bench on 21.12.2021 in F.A. 43 of 1998 [Union of India vs. Haliman Bibi & Ors.]. This appeal is pending for almost over thirty years. The only grievance of the appellant is with regard to the award of solatium and interest. The co-ordinate Bench in Haliman Bibi (supra) has considered the matter in detail including the relevant provisions of the Defence of India Act read with the Requisitioning and Acquisition of Immovable Property Act, 1952.
8. Considering the facts involved in this appeal was also the subject matter in Haliman Bibi (supra) and the issues involved are identical, we dispose of the appeal by granting liberty to Smt. Minati Nandi, the daughter in law of the deceased to withdraw 50% of the amount in the hands of the learned Registrar General, High Court, Calcutta, as on this date i.e. 29.7.2025 which include their claim for compensation solatium and interest and the balance amount should be refunded by the learned Registrar General to the Directorate General Defence Estate, Kolkata / Defence Estate Officer, Kolkata Circle.

9. The exercise should be carried out by the learned Registrar General, High Court, Calcutta within four weeks from the date of communication of this order. This order shall be immediately communicated to Smt. Minati Nandi, the daughter in law of the original award holder to the office of Sub-Divisional Legal Services Committee, Barrackpore, North 24 Parganas forthwith.
10. The appellant shall be entitled to refund the said amount notwithstanding any delay in refunding the amount to the daughter in law of the deceased.
11. The department is also directed to serve a copy of this order by speed post with acknowledgement due upon Smt. Minati Nandi forthwith. A copy of this order shall also immediately be communicated to Secretary, D.L.S.A., North 24 Parganas and the Chairman, S.D.L.S.C. Barrackpore, North 24 Parganas to ensure compliance of this order and the said office shall facilitate the process of realizing the said amount by the daughter in law of the deceased.
12. The Secretary, Calcutta High Court, Legal Services Committee shall also ensure compliance of this order.
13. This order shall also be communicated to the learned Registrar General for information and doing the needful.
14. The appeal and the applications are disposed of.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)