



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226

CR-8121-2017(O&M)

Date of decision: 12.03.2026

Inderbir Singh & Others

...Petitioner(s)

Vs.

Union of India & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajesh Gupta, Advocate
for the petitioners.

Mr. Aseem Aggarwal, Advocate
for respondent No.1.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the landowners/decree holders seeking setting aside of the order dated 20.05.2017 (Annexure P1) passed by the learned Executing Court whereby it has been held that the petitioners are not entitled to enhanced compensation as they have not availed of the remedy of filing appeal.

2. It is inter alia submitted by learned counsel for the petitioners that the land of the petitioners and other similarly situated landowners had been acquired under the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter called "the Act"). It is submitted that land of five villages



namely Dholewal, Daba, Gill No.2, Sherpur Kalan and Sherpur Khurd were acquired. Village of the petitioners is village Daba. It is submitted that at that time, compensation was made to the landowners by getting Form K signed from them and Form L was not signed by the petitioners meaning thereby that respondents were duty bound to appoint an Arbitrator for determining the amount of compensation payable to the landowners. As the respondents did not appoint an Arbitrator as required under the Act, therefore, most of the landowners including the petitioners had to approach this Court for getting directions for appointment of Arbitrator. Subsequently, Arbitrators were appointed. Arbitrators assessed compensation payable to the landowners @ Rs.210/- per square yard; however, made a deduction of $\frac{1}{3}^{\text{rd}}$ from the market value. This deduction was made due to smaller plots owned by the claimants and the acquired land is big area consisting of 400 acres.

3. Ld. counsel submits that most of the landowners filed first appeals before this Court which were decided by common order dated 05.07.2006 (Annexure P2). Through this order, although this Court did not enhance the compensation, however, the deduction of $\frac{1}{3}^{\text{rd}}$ amount as ordered by the Arbitrator in all the Awards was set aside; and it was held that all claimants/landowners of all those Awards were entitled to original market rate of Rs.210/- per square yard as assessed by the Arbitrator, without any deduction.



4. It is submitted that thereafter, some landowners as well as the Union of India/respondent No.1 filed SLPs against Annexure P2 which were all consolidated into SLP (C) No. 17667 of 2007 was converted into Civil Appeal No 1052 of 2014 and vide order dated 29.1.2014 (Annexure P-3), the Hon'ble Supreme Court on 29.01.2014 upheld the order of this Hon'ble Court with regard to setting aside 1/3rd deduction; and further it was held that the claimants are also entitled to get solatium 15% of the compensation along with interest @ 6% per annum from the date of award.

5. Learned counsel submits that accordingly, in view of the above orders of the Hon'ble Supreme Court, the petitioners are also entitled to the said enhanced compensation as also grant of solatium as also interest. Therefore, the petitioners along with many other landowners had filed Execution Petitions before the learned Additional District Judge, Ludhiana. It is submitted that some of the said Execution Petitions were satisfied; whereas vide the impugned order the Execution Petition filed by the petitioners has been dismissed.

6. Learned counsel contends that as per Order 41, Rule 33 of CPC the order passed by the appellate court is applicable and binding on both the parties whether the appeal has been filed by the appellant or by the respondent. The appellate court has ample powers to modify the order of the lower court either upward or downwards as it may deem fit and the said order is executable by the appellant as well as by the respondents in the same terms.



Similarly, in this case the order passed by this Court and the Hon'ble Supreme Court is binding upon the appellants as well as the respondents in equal terms and the same is executable by both of them equally. Hence, the petitioner is entitled to get the relief of order passed by the Hon'ble Supreme Court, which is also applicable to the case of the petitioner.

7. It is accordingly prayed that the present Revision Petition be allowed and the impugned order be set aside.

8. Per contra, learned counsel for the respondent No.1 opposes the submissions made on behalf of the petitioners and submits that it is undisputed position in law that in view of the fact that the petitioners have not filed appeal against the Award of the Arbitrator, they are not entitled to enhanced compensation/solatium/interest. It is accordingly submitted that the impugned order suffers from no error and the present Revision Petition deserves to be dismissed.

9. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the record in detail.

10. The factual matrix of the case has already been noted above. On a Court query, learned counsel for the petitioners has candidly admitted that against the Award of the Arbitrator, the petitioners have not filed any appeal either before this Court or before the Hon'ble Supreme Court. In this view of the matter, in terms of the judgment of the Hon'ble Supreme Court in **G. Krishna Murthy v. State of Orissa, (SC) : Law Finder Doc ID # 38006**, the



petitioners are not entitled to enhanced compensation/solatium/interest. Learned counsel for the petitioners has not been able to dispute that in the above-said judgment of **G. Krishna Murthy (supra)**, the Hon'ble Supreme Court has categorically held that landowners who have not filed appeal against compensation determined in reference cannot apply for redetermination under Section 28A of the Act. Relevant observations of the learned Additional District Judge, Ludhiana in this regard the impugned order are as follows:-

*"6. Now the question arises whether applicant/DH is entitled to benefits granted by the Hon'ble High Court and by the Hon'ble Supreme Court to the land-owners who had filed appeal, inspite of the fact that he did not file appeal before the Hon'ble High Court and by the Hon'ble Supreme Court. To my mind, the answer is-No. Learned counsel for UOI has rightly relied upon case **G. Krishna Murthy Versus State of Orissa AIR 1995 Supreme Court 1436** (Supra) wherein it has been held that Landowners who did not file appeal against compensation determined in reference- Cannot apply for redetermination under section 28-A of the Act. It has also been held by the Hon'ble Supreme Court of India in case **Hukam Chand Versus State of Haryana 1996 (3) R.C.R. (Civil) 381** that benefit of enhanced compensation is available only when compensation is enhanced under section 26, not when enhancement is made under section 54 of the Act. Further, the Hon'ble Punjab and Haryana High Court in case **Market Committee, Karnal Versus Man Singh and others 2011 (7) R.C.R. (Civil) 1176** has held in para No.8 as under:-*

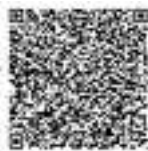
*"8. The facts of present case are similar to the case of **Hukum Chand and others Versus State of Haryana and others AIR 1996***



Supreme Court 3275. *In that case, the appellants available the remedy of reference under section 18 and thereafter, they did not pursue appellate remedy under section 54 to the High Court for further enhancement of compensation but some of the claimants pursued the appellate remedy and had further CR No.3224 of 2008, enhanced compensation at Rs.135/- per sq. yards and in those circumstances, the Hon'ble Supreme Court held that having not available of the remedy under section 54, the appellants were not even entitled to make an application under section 28-A (1) to seek the same benefit of enhanced compensation by way of redetermination. Similar view was expressed by the Hon'ble Supreme Court in the case of **Scheduled Caste Co-operative Land Owning Society Ltd. Bathinda Versus Union of India AIR 1991 Supreme Court 730, Babua Ram Versus State of U.P. 1995 (2) SCC 689.**"*

*It is also pertinent to mention here that in case **K.S. Paripoornan Versus State of Kerala AIR 1995 Supreme Court 581**, the payment of different compensation for the similar land was held not to be violative of Article 14 of the Constitution of India. The citations relied upon by learned counsel for applicant/ D.H. are not applicable to the facts and circumstances of present case.*

In view of ratio laid down in above referred pronouncements of the Hon'ble Apex Court as well as by the Hon'ble High Court, this court is of the considered view that present applicant/D.H. is not entitled to enhanced compensation as awarded by the Hon'ble High Court in main FAO No.269 of 1995 titled as Dr. Jagdish Parkash Versus UOI and further by the Hon'ble Supreme Court of India in common judgment passed in SLP (C) No.17667 of 2007 converted to Civil Appeal No.1052 of 2014 titled as UOI Versus



Vidya Rani, as he has not availed the remedy of filing appeal. As such, the question is decided against the applicant/DH and in favour of JD/Union of India.”

- 11. Learned counsel for the petitioners is unable to dispute or controvert the aforesaid facts and findings.
- 12. In view of the above, present revision petition stands **dismissed**.
- 13. Pending application(s) if any also stand(s) disposed of.

12.03.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No