



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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(1) **LPA-1205-2024 (O&M)**
Date of Decision: 15.01.2026

Paramjit Singh **....Appellant**

Versus

State of Haryana and others

....Respondents

(2) **LPA-1210-2024 (O&M)**

Paramjit Singh **....Appellant**

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Chetan Bansal, Advocate
for the appellant(s).

Mr. Aman Mittal, Deputy Advocate General, Haryana.

Mr. Gurvinder Pal Singh, Advocate for
Mr. P.S.Khurana, Advocate
for respondents No.4 and 5 (in LPA-1205-2024) and
for respondent No.4 (in LPA-1210-2024).

Harsimran Singh Sethi, J. (Oral)

CM-2896-LPA-2024 in LPA-1205-2024 and
CM-2907-LPA-2024 in LPA-1210-2024

These are the applications under Section 5 of the Limitation Act
for condonation of delay of 46 days each in filing the appeals.



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Keeping in view the facts mentioned in the said applications, the same are allowed and the delay of 46 days each in filing the appeals is condoned.

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1. Both the appeals, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from LPA No.1205 of 2024.
2. In the present appeal, the challenge is to the impugned order dated 21.02.2024 passed in CWP-19579-2015 by the learned Single Judge whereby, a direction has been given that the enhanced *ex-gratia* compensation granted to kin of the victim of 1984 Sikh riots, should be equally distributed amongst the claimants.
3. The learned counsel for the appellant(s) submits that the writ petitions were filed by the respondents/claimants No.4 and 5, namely Joginder Kaur and Tripat Kaur respectively, seeking the benefit of enhanced *ex-gratia* compensation, on account of death of their family members in 1984 Sikh riots.
4. The writ petition which was filed by respondent No.5 – Tripat Kaur being CWP-4819-2006, was disposed of keeping in view the agreement arrived at between the legal heirs. As per the full and final settlement, appellant – Paramjit Singh had given a sum of Rs.3,50,000/- to Tripat Kaur. Further, it was duly mentioned in the agreement that even in future, no claim will be raised by Tripat Kaur or her legal heir for the *ex-gratia* relief in respect of the death of their family members in 1984 riots. Learned counsel for the



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appellant submits that the affidavit furnished by Tripat Kaur has been ignored while passing the order by the learned Single Judge.

5. The learned counsel for the appellant submits that the doctrine of waiver which has been applied by the learned Single Judge can only be invoked in case, there is a challenge to the agreement/waiver, which is not the situation in the present case.

6. Learned counsel appearing on behalf of respondents No.4 and 5 in LPA-1205-2024 and for respondent No.4 in LPA-1210-2024 submits that once, the enhanced compensation is being granted, the respondent has a right to receive her share of the compensation even if, she had withdrawn her claim by withdrawing the writ petition filed for the said claim pursuant to the settlement.

7. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

8. It may be noticed that the appellant as well as respondents No.4 and 5, namely Joginder Kaur and Tripat Kaur, are the legal heirs of Swaran Kaur, (mother of appellant and respondents No.4 and 5) Jatinder Singh, Satinder Singh (both brothers of the appellant and respondents No.4 and 5) and Kuldeep Kaur (wife of Satinder Singh), who had unfortunately died in 1984 riots on 02.11.1984 in Gurugram. Compensation was given to the legal heirs of the deceased, and in order to claim the entitled compensation, writ petitions were filed by all the legal heirs separately. Respondent No.5 – Tripat Kaur had also filed CWP-4819-2006 and during the pendency of the said writ petition, she had filed an affidavit upon a compromise reached between the



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legal heirs of the deceased family members. The said affidavit dated 30.04.2007 furnished by respondent No.5 – Tripat Kaur, is as under:-

8.1 A verbatim affidavit was also filed by respondent No.4 – Joginder Kaur.

“Affidavit of Mrs. Tripat Kaur W/o S. Prabhjot Singh, resident of H. No.127, Bal Mukund Khand, New Delhi.

I, the above named deponent, do hereby solemnly affirm and declare as under: -

- 1. That the above noted Civil Writ Petition is pending in this Hon'ble Court for decision on merits after admission. The case is listed on the Board of Hon'ble Mr. Justice Ranjit Singh at S. No 1043 as a regular case.*
- 2. That the State of Haryana-official respondent has barred the married daughter of the persons killed in 1984 riots from the share in compensation paid to the legal heirs of the deceased persons. The above noted Civil Writ Petition challenges the said order of State of Haryana.*
- 3. That the Writ Petition came up for preliminary hearing before Hon'ble Mr. Justice S.S. Nijjar and Hon'ble Mr. Justice Ranjit Singh on 27.3.2006 and the Hon'ble Court was pleased to issue Notice of Motion and also stayed the disbursement of the enhanced compensation during the pendency of the Civil Writ Petition.*
- 4. That the case was admitted for regular hearing on 20.7.2006.*
- 5. That brother of the petitioners is impleaded as respondent No.4 in the above said Civil Writ Petition and he is eligible to receive the*



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compensation from the Deputy Commissioner, Gurgaon respondent No.3. The respondent no.4 has received Vikas Patras amounting to Rs.23000/- and compensation amounting to Rs.13,20,000/- from respondent no.3.

- 6. That now the respondent no. 4 Sh. Paramjit singh has undertaken to give respondents Rs.3.50 lacs in full and final settlement of their case to each of the petitioners in case the petitioners withdrew the above said Civil Writ Petition. The respondent no. 4 has a result of the compromise/undertaking has issued cheques amounting to Rs.3.50 lacs each dated 10.5.2007 drawn on HDFC Bank Ltd., CC-31, Commercial Complex, Naraina Ind. Area, Phase-1, New Delhi bearing cheque Nos. 181804, 181803 and 181802. The undertaking given by respondent no. 4 is recorded in the affidavit of said Sh. Paramjit Singh S/o Late Sh. Sewa Singh dated 18.4.2007 and is annexed to the application as Annexure P-17.*
- 7. That I have filed an objection suit in the court of law at High Court and now all the dispute is mutually settled within me and my brother S. Paramjeet Singh. That now I am ready to withdraw my CWP No. 4819 i.e. above said case. That now I have No objection if the Govt. will pay the ex-gratia relief for death of 1984 riots to my brother S. Paramjeet Singh S/o Late S, Sewa Singh R/o 3072/2T, Gali No.10, Ranjeet Nagar, New Delhi110008. That in future neither I nor my any legal heirs will claim for ex-gratia relief for death of 1984 riots or filed any type of objection in any court of law. That I have executed this affidavit on my free will, in my sound*



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and good health without any pressure from any side.

8. *That in view of the compromise mentioned in para 6 above, the petitioners have decided to withdraw the above said Civil Writ Petition. In support of the withdrawal of the Civil Writ Petition, the affidavit of each of the petitioners is annexed herewith.”*

9. A bare perusal of the above affidavit would show that respondent No.5 – Tripat Kaur had entered into an agreement with the appellant with regard to the payment of compensation to the legal heirs and the paragraph 6 and 7 of the affidavit clarifies that the amount received by Tripat Kaur from the appellant is full and final payment and further that any compensation payable by the Government was to be received by Paramjit Singh, i.e. the appellant herein, and she will have no objection to the same coupled with the fact that even in future, neither she nor her legal heirs will claim any benefit qua the *ex-gratia* relief to be granted in respect of death of their family members in 1984 Sikh riots.

10. The said affidavit and the terms of the same have remained un rebutted at the hands of the respondents. Once, the said agreement has already been implemented and a sum of Rs.3,50,000/- has already been received by Tripat Kaur from the appellant, the grant of benefit by the learned Single Judge was beyond the scope and terms of the agreement between the parties.

11. It is a conceded position that the agreement is not under challenge at the hands of the respondents – Tripat Kaur or Joginder Kaur and they are not claiming any waiver of the same.



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12. Keeping in view the said fact, the order dated 21.02.2024 passed by the learned Single Judge, keeping in view of the affidavits filed by respondents – Tripat Kaur and Joginder Kaur, which has already been implemented and acted upon, the direction could not have been given to the appellant to equally distribute the compensation when the family members had already amicably settled the dispute between themselves.

13. The order dated 21.02.2024 passed by the learned Single Judge is perverse on the facts which already find mention in the judgment itself including the affidavit filed by respondent No.5 – Tripat Kaur, which is not only filed but acted upon and pursuant where to the amount was received by her as full and final settlement. The order dated 21.02.2024 passed by the learned Single Judge is, accordingly set aside.

14. At this stage, learned counsel for the appellant submits that as the claim has been raised by sisters, though, their claim has been negated by this Court, but as a matter of a gesture, the appellant undertakes to pay a sum of Rs.6,50,000/- each to respondents No.4 and 5, namely Joginder Kaur and Tripat Kaur, after receiving the full compensation from the State, which is yet to be released in his favour.

15. It is made clear that though, the statement has been given voluntarily by the learned counsel for the appellant, but he will be bound by the same.

16. Accordingly, the writ petitions are allowed and the orders dated 21.02.2024 (in both the petitions) passed by the learned Single Judge are set aside. However, the appellant will be bound by his statement of payment of



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Rs.6,50,000/- to each of respondents No.4 and 5.

17. Photocopy of this order be placed on the file of other connected case.

18. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 15, 2026
Varinder

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No