

22.09.2018

Present:- Sh. Aditeya Bali, proxy for Sh. Gaurav Puri, Id. Counsel with DH/LR
Sh. Dhyan Singh.
Sh. Mridul Jain, Ld. Counsel for UOI.

Matter has been fixed for consideration with the related matter vide order dated 04.08.2018 and on NDOH, i.e. 18.08.2018 this presiding officer was not available in the court.

I have gone through the entire record and parties are required to make several clarifications and also address arguments, on the following aspects of the matter and thereafter the order can be passed.

There is a copy of the order of the Hon'ble Supreme Court, placed on record, relating to the dismissal of more than one Special Leave Petition and it is so mentioned in the written arguments filed by earlier counsel Sh. S. Tripathi, that the order relates to RFA No. 591/88, and order passed by the Hon'ble High court thereupon dated 07.12.2000.

Parties are directed to place on record a copy of memo of the parties in those SLP's. Further, also make available a copy of the application moved, therein for condonation of delay in that SLP related to this matter.

Attention of the Ld. Counsels present is drawn to the affidavit dated 03.03.2007 and more particularly paragraphs nos. 2 and 3 there are, filed on behalf of all the DH's/LRs while receiving compensation and the same being enclosed along with the receipt. Sh. S. Tripathi earlier counsel has also submitted that the Principles of Constructive res-judicata applies against UOI, whereas, UOI relies on theses principles very heavily qua the maintainability of second execution.

UOI is also required to clarify as to up to what date interest was

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calculated by the Ld. Court of Sh. A. K. Kuhar while ordering release of payment and satisfaction of the decree vide his order dated 20.03.2007

UOI also relies on the decision of the Hon'ble High Court, passed in EX.F.A no. 08/09-17, dated 26.04.2017 and thereafter order passed by the Hon'ble Supreme Court, affirming the order of passed by the Hon'ble High Court and therefore, there is a contention of operation Principles of Estoppel against the DH.

Parties are also required to clarify if the execution of a decree passed by the reference court is purely to go by the principles related to execution of money decree or is there any difference in this regard.

Put up on 06.10.2018 for clarification/further arguments. Parties may submit written synopsis.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi/22.09.2018