

**RFA No. 92 of 2015**

16.11.2021 Present Mr. Sudhir Bhatnagar and Mr. Desh Raj Thakur, Additional Advocates General with Mr. Narinder Thakur and Mr. Kamal Kishore, Deputy Advocates General, for the appellant.

Mr. Rupinder Singh Thakur, Advocate, for the respondents.

**CMP No. 11107 of 2021**

By way of instant application, prayer has been made on behalf of respondents No. 5(a) and 21(a) for release of the award amount, lying deposited in the Registry of this Court. Reply to the application stands filed on behalf of non-applicant/appellant wherein prayer has been opposed on the ground that in the event of appeal being allowed, it would be difficult to recover the amount, if ordered to be released during pendency of the appeal.

Having heard learned counsel for the parties and perused material available on record this court finds that the land of the applicants herein came to be acquired for construction of Maryog Narag Dharyar road in the year 2007, but till date, they have not been paid the complete compensation. Reference Court below vide award dated 28.8.2014 has enhanced the compensation amount, awarded by Land Acquisition Collector but since the non-applicants/appellants have filed appeal laying therein challenge to aforesaid enhancement award made by reference court, money could not be released in favour of the applicants. Since considerable time is likely to be consumed in final conclusion of the appeal coupled with the fact that in the appeal, only issue with regard to quantum of compensation has

been raised, there appears to be no difficulty in releasing 50% of compensation amount, which has been otherwise released in other similar cases, as has been fairly admitted by Mr. Narinder Thakur, learned Deputy Advocate General.

Consequently, in view of above, application is allowed. Registry is directed to release 50% of award amount falling to the shares of respondents Nos. 5(a) and 21(a) and remit the same in their savings bank accounts, details whereof are given in annexure A-1 subject to verification. Needless to say, remaining amount shall be invested in the FDR till further orders. Application stands disposed of.

**CMP No. 13402 of 2021**

By way of instant application, prayer has been made on behalf of respondents for modification of order dated 4.8.2021 passed in in CMP No. 3539 of 2019, whereby 50% of award amount falling in shares of respondents Nos. 1, 2, 6, 8, 9, 13, 14, 15, 17, 18, 19 and 20 was ordered to be released. Since, respondent No. 7 Arun Kumar had also made prayer in CMP No. 3539 of 2019, for release of award amount, prayer has been made on behalf of respondents for modification of order dated 4.8.2021 inasmuch as name of respondent No. 7, Arun Kumra has not been shown therein.

Careful perusal of averments contained in CMP NO. 3539 of 2019 clearly reveals that respondent No.7 had also made application for release of amount, but it appears that while passing order dated 4.8.2021, inadvertently mention of respondent No. 7 was not made, while directing Registry to release 50% amount falling to the shares of applicants, therein,

and as such, prayer made in the instant application deserves to be allowed.

Accordingly, Order dated 4.8.2021 passed in CMP No. 3539 of 2019 is recalled and modified to the extent that Registry is directed to release 50% of the award amount falling to the share of respondent No. 7, by remitting the same in his saving bank account, details whereof are already given in Annexure P-1 of CMP No. 3539 of 2019, subject to verification by the Accounts Branch. Needless to say, remaining amount shall be kept in FDR till further orders. Application stands disposed.

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During the proceedings of the case, learned counsel for the respondents apprised this court that respondent No. 6 has expired and as such, Mr. Narinder Thakur, learned Deputy Advocate General prays for and is granted four weeks' time to file an appropriate application for bringing on record legal representatives of respondent No.6.

**(Sandeep Sharma)**  
**Judge**

November 16, 2021  
(vikrant)