

General Manager Northern Railway vs. Jagdish Ram

RFA No. 1 of 2020

23.08.2022 Present: Mr. Prince Chauhan, Advocate vice Mr. Rahul Mahajan, Advocate for the appellant/non-applicant.

Mr. Ajay Sharma, Sr. Advocate with Mr. Athrav Sharma Advocate for respondent No.1 and proposed respondents No. 1 to 3 and 5 to 8.

Respondent No. 4 stands deleted.

Mr. Kuldeep Chand Thakur, Deputy Advocate General, for respondent No.9.

CMP No. 11193 of 2022

This application has been filed on behalf of respondents No.1 to 3 and 5 to 8/applicants for release of amount of compensation in their favour, which has been deposited by appellant in the Court below i.e. Court of District Judge, Una, District Una. The application is duly supported by affidavits of applicants.

Though reply has not been filed, however, application has been opposed on the ground that appeal is pending and awarded amount of compensation is on higher side and there is every likelihood of reduction thereof at the time of final adjudication of appeal and in case of release of amount of compensation, as prayed, in favour of applicants, very purpose of filing of appeal by appellant would be defeated as if appeal is allowed, it would be difficult to recover the amount from applicants.

Learned counsel for respondents No.1 to 3 and 5 to 8/applicants submits that landed property of applicants has been

acquired for public purpose and they are agitating for getting the just and fair compensation.

Considering the rival contentions of parties, it would be appropriate to release only 50% of compensation amount instead of entire amount of compensation. The amount of compensation, falling in the share of deceased respondent No.4 Udhmi Devi, is to be divided equally amongst her legal heirs/respondents No. 5 to 8.

Accordingly, learned District Judge, Una, District Una is directed to release 50% of awarded amount along with up-to-date interest for which respondents No.1 to 3 and 5 to 8/applicants, are entitled in terms of award passed by learned District Judge, Una, District Una HP by remitting the same in their bank accounts, details whereof shall be produced before him along with copy of this order.

The aforesaid release of 50% of amount of compensation shall be subject to final outcome of appeal and in case, excess amount is found to be received by applicants, they shall be liable to repay the same with interest from the date of receipt till final repayment thereof.

Application stands disposed of.

The parties are permitted to produce copy of order downloaded from the High Court website and learned District Judge, Una, District Una shall not insist for certified copy of the order, however, they may verify about passing of order from the High Court website or otherwise.

August 23, 2022
(ms)

(Vivek Singh Thakur)
Judge