

**NHAI Vs. Santokha (deceased) through LRs
& ors.**

OMP(M) No. 168 of 2025

23.3.2026

Present: Mr. Sumeet Raj Sharma, Advocate, for
the applicant/appellant.

None for respondents No. 1(i) to 1(iii),
2(i) and 2(ii), 3 and 4.

Ms. Ayushi Negi, Dy. A.G., for
respondent No. 5.

Name of respondent No. 2(iii) stands
deleted, vide order dated 10.12.2025.

By way of present application,
indulgence of this Court has been sought to condone
the delay of 27 days, in filing the accompanying
appeal, which has been filed under Section 37 of the
Arbitration and Conciliation Act, mainly on the
ground that although, the appeal was filed within
time, however, the same was not accompanied by the
certified copy of judgment dated 5.11.2024, passed
by the learned District Judge, Mandi Division,
District Mandi, H.P. in case No. 316 of 2023, titled
as, 'National Highways Authority of India versus
Sontokha (deceased) through LRs', by virtue of
which, the learned District Judge, Mandi Division,
District Mandi, H.P. has dismissed the application
under Section 34 of the Arbitration and Conciliation
Act.

It is the further case of the applicant
that the copy of the aforesaid judgment was applied

for by him, within time, however, the same was delivered to him on 31.12.2024.

On the basis of above facts, a prayer has been made to condone the delay, in filing the present appeal.

The application is duly supported by the affidavit of the Project Director, NHAI Project Implementation Unit-Mandi.

Although, reply to the application has not been filed, yet the same has been opposed by tooth and nail.

Considering the fact that the appeal was filed within time, but the same was not accompanied by the impugned judgment, this Court is of the view that the application deserves to be allowed, as the matter should be decided on merit and not on the basis of technicalities. Consequently, the application is allowed and delay in filing the present appeal is ordered to be condoned. The application is, thus, disposed of.

Arb. Appeal No. _____

Vide separate order of even date, passed in OMP(M) No. 168 of 2025, delay in filing the present appeal has been ordered to be condoned.

Be registered.

Admit.

OMPST No. 3174 of 2025

During the pendency of the present appeal, execution of award dated 18.4.2023, passed by the learned Divisional Commissioner, exercising the power of Arbitrator under the National Highways Act, 1956, in case No. 229 of 2020, titled as, 'Santokha through LR's & ors versus Land Acquisition Officer and anr.', is ordered to be stayed, subject to the condition that entire awarded amount, alongwith up-to-date interest, shall be deposited within a period of eight weeks. The application stands disposed of.

Alteration/modification/vacation, on motion.

OMPST No. 3175 of 2025

The application is disposed of with a direction to the applicant to do the needful, as and when, directed by the Court to do so.

(Virender Singh)
Judge

March 23, 2026
(kalpana)