

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Execution Petition No.324 of 2024
in CWPOA No.2386 of 2019****Decided on: 24.11.2025**

Neter Singh

... Petitioner

Versus

State of H.P. & others

... Respondents

Coram**Hon'ble Mr. Justice Ajay Mohan Goel, Judge.****Whether approved for reporting?¹**

For the petitioner : Mr. H.S. Rangra, Advocate.

For the respondents : Mr. Pushpinder Jaswal, Additional
Advocate General.**Ajay Mohan Goel, Judge** (Oral)

By way of this petition, the petitioner is seeking the execution of the judgment passed by this Court, dated 16.05.2024.

2. The only surviving grievance of the petitioner is that though the judgment otherwise stands complied with, but now the benefits granted to the petitioner are being curtailed in light of judgment dated 06.02.2025, of the Hon'ble Supreme Court of India in *SLP(C) No.23016 of 2023, (Civil Appeal No.1595 of 2025)*, titled the *State of H.P. and others Versus Surajmani*, whereas the case of the petitioner was decided before the adjudication in Surajmani's case. Learned Additional Advocate General has drawn the attention of the Court to the order passed by the Hon'ble Division Bench of this

¹ Whether reporters of the local papers may be allowed to see the judgment?



Court in Execution Petition No.48 of 2025, titled Amar Chand @ Amru Ram Versus State of Himachal Pradesh & others, decided on 08.10.2025 and by referring to Para-5 thereof, learned Additional Advocate General submitted that the Hon'ble Division Bench has held in the said order that once the position of the law has been declared by the Hon'ble Apex Court, then this Court in execution proceedings will not give the relief against what has been laid down by the Hon'ble Apex Court. He submitted that as the facts of the case which were before the Hon'ble Division Bench are akin to the present once, therefore, the petitioner cannot claim anything more than what has been granted by the Hon'ble Supreme Court in *Surajmani's* case.

3. Having heard learned Counsel for the petitioner as well as learned Additional Advocate General and having perused the order passed by the Hon'ble Division Bench, this Court concurs with the submissions made by the learned Additional Advocate General.

4. In Execution Petition No.48 of 2025, the Hon'ble Division Bench of this Court has been pleased to hold as under:-

“5. Once the law has been declared by the Apex Court, it cannot be said that the law is to be applied prospectively. The declaration as such is specific and the Apex Court in the subsequent judgment has clarified that only notional



benefits have to be given and the judgment in Surajmani's case (supra) has to be applied. Therefore, once the position of law has been declared by the Apex Court, this Court in execution proceedings will not give the relief against what has been laid by the Apex Court. Thus, we do not find any force in the argument as such raised by the learned Counsel for the petitioner."

5. As the Hon'ble Division Bench in similar circumstances has held that after the law stands laid down by the Hon'ble Supreme Court in *Surajmani's* case, then the benefits as stand declared by the Hon'ble Supreme Court are only to be granted, the petitioner herein also cannot claim anything more.

6. Therefore, these proceedings are closed, but with the direction that let the benefits in terms of the judgment of the Hon'ble Supreme Court be conferred expeditiously and not later than three months from today.

7. The petition stands disposed of. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

November 24, 2025
(Rishi)