

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

RFA No. 34/2019

Assadullah Bhat and Ors.

...Petitioner(s)

Through: Ms. Masooda Jan, Advocate

Vs.

State of JK and Ors.

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

02.08.2023

CM No. 412/2023

Through the medium of the instant application, the applicants-appellants are seeking release of the award amount deposited by the respondents before this Court in terms of order dated 13.09.2021.

Ms. Masooda Jan, learned counsel for the petitioners states that the amount deposited by the respondents-non applicants before this Court is the award amount which the appellants-applicants have been held entitled to by the Reference Court as compensation qua land acquired by the respondents and that the respondents-non applicants have not joined an issue in regard to the said amount deposited by them before this Court in terms of order dated 13.09.2021 and that the said amount is legitimately payable to the appellants-applicants.

Mr. Laway, learned counsel for the non-applicants respondents admits that the amount of compensation has been deposited before this Court in compliance to order dated 13.09.2021, and that the said amount is part of the amount of compensation payable to the applicants-appellants.

Having regard to the contents of the applications and coupled with the submissions made by the appearing counsel for the parties, Registry is directed to release the amount deposited by the respondents in compliance to order dated 13.09.2021, along-with the interest if any accrued there on in favour of the petitioners-applicants subject to an undertaking that in the event the petitioners-applicants upon final adjudication of the case are found not to be entitled to the said amount, they will reimburse the same. Registry to release the amount in question in favour of the petitioners after due verification and identification of the petitioners-applicants by their respective counsel/s.

Applications disposed of.

List the main appeal for consideration on 04.10.2023.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

02.08.2023

Aadil