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C.A.No. 5195-5196 OF 1997  
ITEM No.101 (Part-Heard)

Court No. 9

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos. 5195-5196 of 1997

UOI & Anr.

Appellant (s)

VERSUS

Chajju Ram & Anr.  
(With office report)

Respondent (s)

Date : 09/09/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N.VARIAVA

HON'BLE MR. JUSTICE H.K.SEMA

For Appellant (s) Mr. N.N.Goswami, Sr.Adv.  
Ms. Indra Sawhney, Adv.  
Ms. Anil Katiyar, Adv.

For Respondent (s)  
Mr. Ashok Mathur, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeals are disposed of in terms of the signed order.

No order as to costs.

Anita

(Jasbir Singh)  
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5195-5196 OF 1997

Union of India & Another

... Appellant (s)

Versus

Chajju Ram and another

... Respondent (s)

O R D E R

These appeals are against the orders dated 14th October, 1996 and 10th January, 1997 which were passed under the following circumstances.

Land of the respondent was acquired. The award arbitrator fixed compensation and made an award. Against the award an appeal bearing No. 79 of 1996 has been filed by the Union. This appeal is pending. On 8th February, 1998 an order is passed in that appeal which reads as follows :

"Admitted.

The amount of compensation if deposited by disbursed to the claimants on their furnishing security to the satisfaction of the executing court. Security be accepted after notice to the Appellant."

Thus it is to be seen that the appellant have already been directed to deposit the "compensation" with liberty to the respondent to withdraw it on furnishing security. Admittedly no appeal is filed against the Order and appellants are thus bound to comply with this Order and deposit 'compensation'.

Accordingly to the appellant the terms "compensation", as used in this Order, only means compensation as solatium and interest are not payable under the RAIP Act, 1952. According to counsel as the term "compensation" as used in the Order dated 8th February, 1996, does not include solatium and interest. The appellants thus did not deposit the amounts awarded as solatium and interest.

The respondents therefore a filed a Writ Petition before the High Court. When the Writ Petition reaches hearing nobody appeared on behalf of the respondents even though they were served.

The High Court therefore by Order dated 14th October, 1996 directed payment of "compensation". To be noted that the High Court has also used the word "compensation" and nothing more than that. A Review Petition was filed. It was pointed out to the High Court that there is already an earlier Order passed in the pending Appeal. The High Court, therefore, modified its own Order to be in consonance with the earlier Order dated 8th February, 1996. The High Court has directed deposit of "compensation".

We were told that the Appeal is only against the portion of the Order which directs of solatium and interest. It was urged that solatium and interest are not payable under the RAIP Act and thus the Order of the High Court needs to be set aside.

We are unable to understand, how in one breath it can be said that the term "compensation" as used in Order dated 8th February, 1996 does not include solatium and interest and at the same time it can be urged that the High Court has directed deposit of solatium and interest. The same term "compensation" has been used in the Order dated 8th February, 1996, as well as in the Orders dated 14th October, 1996 and 10th January, 1997. It has the same meaning in all these Orders. If the term "compensation" does not include solatium and interest, then the impugned Orders would not affect the Appellant. If according to the Appellants the term "compensation" does not include solatium and interest then we do not understand as to how they are aggrieved by a subsequent orders, the last of which has been modified to be in line with the earlier order dated 8th February, 1996 which is not challenged. The only thing we find that in the last order no security has been asked for from the Respondents. We, therefore, direct that the amount of "compensation", which will be deposited by the Appellant can only be withdrawn by the Respondents on furnishing a security to the satisfaction of the executing Court. We, however, clarify that we have not, in this order, gone into the question whether the term "compensation" in all these Orders includes or does not include solatium and interest. If the High Court which passed those orders, feels that their orders have not been complied with, the High Court will not be precluded by this Order from taking appropriate action.

Appeals stand disposed of accordingly. No order as to costs.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,  
9th September, 2003.