

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7040 OF 2000

OM PRAKASH & ORS.

Appellant (s)

VERSUS

DIR BAHAR & ORS.

Respondent(s)

(With office report)

Date: 19/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Harinder Mohan Singh,Adv.

For Respondent(s)

Mr. Randhir Singh Jain,Adv.

UPON hearing counsel the Court made the following

O R D E R

Pursuant to the orders dated 16.5.2006 and 18.5.2006 passed by this

Hon'ble Court, the parties to this appeal have filed an I.A. application for

placing on record and recording compromise arrived at between the parties.

Since the parties have mutually and amicably settled the matter amongst

themselves, the appeal is disposed of in terms of the signed non-reportable

judgment placed on the file. The Compromise Memo will also be attached with the

Judgment and copies will be furnished to all the parties on payment of necessary

charges. In view of the compromise, the parties are at liberty to withdraw the

compensation which is now available with the Land Acquisition Officer, New Delhi and also that may be awarded in Reference under Section 18 of the Land Acquisition Act and in other appeals/proceedings that may be taken up subsequently in accordance with Law.

The appeal is accordingly disposed of. There shall be no orders as to costs.

(A.D. Sharma) (Phoo
lan Wati Arora)
Court Master
Court Master

(Signed non-reportable judgment is placed on the file)

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7040 OF 2000

Om Prakash & Ors. ...Appellants

Versus

Dil Bahar & ors. ...Respondents

J U D G M E N T

Dr. AR. Lakshmanan, J.

The appeal is directed against the judgment and final order dated

31.3.2000 passed by the High Court of Delhi at New Delhi in Civil Appeal

no.820 of 1987. The same has been pending before this Court since 2000.

The above matter was listed for final hearing before us during

summer vacation. On 16.5.2006, after hearing the respective learned counsel

appearing for the parties, we passed an order requesting the learned counsel

for the parties to discuss this matter with their respective clients and explore

the possibility of settling the matter amicably by sharing the compensation

amount according to their due share and thereafter pursue the Reference

jointly under section 18 of the Land Acquisition Act for enhancement of

compensation. Again on 18.5.2006, we passed a detailed order after hearing

all the parties. Both the parties agreed to share the compensation at the rate

of 65% for the respondents 1,2 & 3 and 35% for the appellants and

respondent no.5. Certain other directions were also issued by that order.

Pursuant to the above two orders, the parties to this appeal have

filed an application for placing on record and recording compromise arrived at

between the parties. We have perused the Compromise Memo. The Compromise Memo has been signed by Mr. Harinder Mohan Singh, learned counsel for the appellants and Mr. Randhir Singh Jain, learned counsel for the respondent nos.1,2 & 3. The compromise is in tune with the discussions made by the parties on the two earlier occasions as mentioned in other two orders. Mr. Om Prakash, appellant no.1 herein, Mr. Ajit Singh, appellant no.2 herein, Mr. Sumer Singh, appellant no.3 herein, Mr. Rajinder Prashad, appellant no.4 herein, Mr. Jai Pal, respondent no.6 herein, Mr. Dil Bahar, who was originally arrayed as respondent no.2 in the above appeal and presently respondent no.1, Mr. Mohinder Singh, who was originally arrayed as respondent no.3 in the above appeal and presently respondent no.2, and Mr. Gulab Singh, who was originally arrayed as respondent no.4 in the above appeal and presently respondent no.3 have filed sworn affidavits stating that the compromise has been arrived at with consent which has been given by them of their free will and volition and the same shall be binding on all of them. They also ratified that the statements made in para nos.1 to 6 of the

application for placing on record and recording compromise arrived at between the parties are true to their knowledge. The affidavits have been

attested by Mr. Dipankar Das, Notary Public, on 18.5.2006.

Since the parties have mutually and amicably settled the matter amongst themselves, we dispose of the appeal by recording the compromise arrived at between the parties. The Compromise Memo will form part of the judgment and decree in this appeal. The Compromise Memo will also be attached with the Judgment and copies will be furnished to all the parties on payment of necessary charges. In view of the compromise, the parties are at liberty to withdraw the compensation which is now available with the Land Acquisition Officer, New Delhi and also that may be awarded in Reference under Section 18 of the Land Acquisition Act and in other appeals/proceedings that may be taken up subsequently in accordance with Law.

The appeal is accordingly disposed of. There shall be no orders as to costs.

.....J.

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(Dr. AR. Lakshmanan)

.....J.

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(Lokeshwar Singh Panta)

New Delhi,

May 19, 2006