

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). 3924 OF 2003

UNION OF INDIA

Appellant (s)

VERSUS

RAJBIR SINGH & ORS

Respondent(s)

(With prayer for interim relief)

WITH Civil Appeal NO. 3923 of 2003
(With prayer for interim relief)

Date: 06/04/2011 These Appeals were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr. P.P. Malhotra, ASG
Mr. B. Chahar, Sr. Adv.
Mrs. Rekha Pandey, Adv.
Dr. Lakshmi Shastri, Adv.

Mr. D.S. Mahra, Adv.

For Respondent(s)

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

The Appeals are allowed in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(Signed order is placed in the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3924 OF 2003

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Respondent(s)

WITH

CIVIL APPEAL NO. 3923 OF 2003

O R D E R

Since both these appeals involve similar facts and identical issues, we propose to dispose of both these appeals by

this common judgment and order.

These appeals are directed against the judgment and order dated 22.07.1998 passed by the Delhi High Court dismissing the appeal filed by the Union of India in the light of the decision rendered by the Division Bench of the High Court in the case of RFA No. 387/1991 in Ram Phool & Another v. Union of India.

Mr. P.P. Malhotra, learned Additional Solicitor General appearing for the appellant herein has placed before us the decision of this Court in SLP (C) No. 8410/2000 and other connected matters, which were disposed of by this Court on 28.11.2002. The aforesaid petitions were filed by the Union of India being aggrieved by the decision rendered by the High Court in Union of India & Anr. v. Ram Phool & Anr., which was the impugned order in SLP (C) 8410/2000. The decision of the High Court in those cases has since been set aside in the order passed by this Court on 28.11.2002. In the impugned judgment and order, which is under challenge, the decision in Union of India & Anr. v. Ram Phool & Anr. was relied upon and the decision was rendered by the High court only by way of relying on it.

Since the relied upon decision has been interfered with by this Court in the aforesaid manner, these appeals are also allowed. Consequently, we set aside the impugned judgment of the High Court and affirm the market value as determined by the Reference Court following the decision in SLP (C) No. 8410/2000 titled as Union of India & Anr. v. Ram Phool and Anr.

The appeals are allowed to the aforesaid extent.

.....J.
(Dr. MUKUNDAKAM SHARMA)

.....J.
(ANIL R. DAVE)