

(For Judgment)

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. 5128 of 2002

State of Punjab

Appellant(s)

VERSUS

Shiv Ram & Ors.

Respondent(s)

(Heard by : Hon'ble the Chief Justice, Hon'ble C K Thakker and
P.K. Balasubramanyan, JJ.)

Date: 25/08/2005 This matter was called on for Judgment today.

For Appellant(s)

Mr. D P Singh, Addl. Adv. Genl., Punjab.

Ms. Avneet Toor, Adv.

Mr. Sanjay Jain, Adv.

Mr. Arun K Sinha, Adv. (NP)

For Respondent(s)

Nos. 1 & 2

Ms. K Sarada Devi, Adv.

No. 3

Ex-parte.

Hon'ble the Chief Justice pronounced the Judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice C.K. Thakker and Hon'ble Mr. Justice P.K. Balasubramanyan.

The appeal is allowed. The judgment and decree passed by the trial court and upheld by the first appellate court and the High Court are set aside. The suit filed by the plaintiffs-respondents is dismissed. However, in view of the concession given by the learned Additional Advocate General appearing for the appellant State, the amount of Rs.50,000/- if already paid to the plaintiff-respondent shall not be liable to be refunded by way of restitution. No order as to costs.

(D.P. WALIA)

COURT MASTER

(RADHA R. BHATIA)

COURT MASTER

(Reportable Signed Judgment is placed on the file)