

(2012) 04 DEL CK 0468

In the Delhi High Court

Case No : CM (M) 723 of 2009 and CM No. 10368 of 2009

Darshan Singh and Others

APPELLANT

Vs

UOI and Others

RESPONDENT

Date of Decision : 23-04-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 22 Rule 3, Order 22 Rule 4
Land Acquisition Act, 1894 — Section 11, 18

Citation : (2012) 04 DEL CK 0468

Hon'ble Judges : Indermeet Kaur, J

Bench : Single Bench

Advocate : I.S. Dahiya, for the Appellant; Sanjay Kumar Pathak, for the Respondent

Judgement

Indermeet Kaur, J.

1 Order impugned is dated 06.08.2008 whereby the interest had been declined to the legal representatives of the petitioner for the period as noted in the impugned order. Record shows that an Award u/s 11 of the Land Acquisition Act (hereinafter referred to as the "said Act") had been passed in favour of the successor in interest of the petitioners on 19.06.1992; Reference petition u/s 18 of the said Act had been preferred on 03.08.1992.

2 IP No. 1 had expired on 28.06.1884, IP No. 2 had expired on 26.03.1999 & IP No. 3 had expired on 13.11.2003. The impugned order had except for the period of 90 days (the limitation period for filing an application under Order XXII Rule 4 of the CPC (hereinafter referred to as the "Code")) disallowed the interest to the legal representatives of the deceased for the period thereafter i.e. no interest was allowed to IP Nos. 1, 2 & 3 after 28.09.1994, 26.09.1999 and 13.02.2003 respectively. Reference petition was filed and taken cognizance of on 20.08.2007; application under Order 22 Rule 4 of the Code was filed on 15.3.2008.

3 Counsel for the petitioner has placed reliance upon a judgment of a Bench of this Court reported in Dayanand Dec. thr. Lr's Vs. Union of India (UOI), to support his claim that he was entitled to interest for the period after 15.03.2008 when the application under Order XXII Rule 4 of the Code had been allowed. In the judgment of Dayanand (Supra) a reference petition had been filed on 22.11.2002; application under Order XXII Rule 3 of the Code was filed on 31.10.2006; the Court had returned a finding that except for the intervening period between 20.10.2005 up to 31.10.2006, the legal representatives of the deceased would be entitled to interest.

4 In view of the ratio of the aforementioned judgment, in the instant case as well except for the period from 20.08.2007 up to 15.03.2008 (for which period no interest shall be granted) the legal representatives of the deceased will be entitled to interest thereafter. With these directions, petition disposed of.