
(2011) 03 SHI CK 0043
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 284 of 2007

Kamal Dutt and Another

APPELLANT

Vs

Land Acquisition Collector and Another

RESPONDENT

Date of Decision : 08-03-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 11
Constitution of India, 1950 — Article 227

Citation : (2011) 03 SHI CK 0043

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Ahuja, J.—This petition under Article 227 of the Constitution of India has been filed by the Petitioners against the order passed by the learned District Judge, Solan, dated 17.12.2006, dismissing the application filed by the Petitioners under Order 21 Rule 11 CPC for execution of the award passed by the court on 1.9.1992. A notice of the petition was issued to the Respondents.

2. I have heard the learned Counsel for the parties and have gone through the record of the case.

3. By an application filed under Order 21 Rule 11 CPC before the learned District Judge, the Petitioner had claimed that he is also entitled to the interest on the amount remaining unpaid. In a way, the claim of the Petitioner/decreed holder was in regard to compound interest, which was claimed to payable on the interest component of the compensation awarded by the court of learned District Judge. The facts of the case have already been referred to by the learned District Judge in the impugned order and it was observed that the compensation amount including the market value, solatium etc. was Rs. 62,891/- and rest was interest on it since 1968. The State/Respondents deposited a sum of Rs. 4,00,417/- against the total amount of Rs. 4,74,048/-. Thus, the balance amount was only interest and not part of the compensation which stood paid by way of deposit by

the Respondents as above. Therefore, the balance amount cannot be said to be part of the compensation and it was only the interest which remained unpaid and the learned District Judge had rightly referred to the decision of Punjab and Haryana High Court in coming to its conclusion that no compound interest can be said to be payable on this interest component which remained unpaid for which the Petitioner was at liberty to apply for execution for recovery of the balance amount. The impugned order, therefore, calls for no interference by this Court.

4. The petition stands dismissed accordingly, so also the pending application(s), if any.