

(2003) 02 DEL CK 0074
In the Delhi High Court
Case No : C.R. No. 1115 of 2002

Zile Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 26-02-2003

Acts Referred:

Citation : (2003) 103 DLT 737

Hon'ble Judges : Mahmood Ali Khan, J

Bench : Single Bench

Advocate : R.K. Saini, for the Appellant; Nemo, for the Respondent

Judgement

1. Notice has been served on the respondents but nobody has appeared on their behalf.
2. This civil revision petition filed u/s 115 of the CPC is directed against an order of an Additional District Judge dated 24.7.2002 by which while allowing an application of the petitioners for their substitution in place of claimant, Zile Singh deceased, in a proceeding u/s 18(1) of Land Acquisition Act, has further directed that the petitioners will not be entitled to claim interest for the period from 29.1.2000 to 6.8.2000.
3. The grievance of the petitioner is that they have been denied interest for the aforesaid period in violation of their legal right. Counsel for the petitioners has argued that there is some typographical error in describing the period for which the interest has been denied and the period is actually from 29.1.2000 to 6.8.2001 which appears from reading the first paragraph of the order. According to him 29.1.2000 seems to be the date on which the 90 days period expired from the date of death of Zile Singh and 6.8.2001 is the date on which the application for substitution application was filed. He submitted that the petitioners were entitled to claim interest under the Land Acquisition Act. It was also argued that after the cause shown for delay in filing of the application for substitution was accepted and the substitution was allowed there was no reason for the Additional

District Judge to have deprived the petitioners of the interest for the aforesaid period. He further pointed out that the proceedings were still before the Land Acquisition Collector on 29.10.1999 when Zile Singh had died and that the Land Acquisition Collector had made reference under Sub-section (1) of Section 18 of the Land Acquisition Act to the Additional District Judge on 27.1.2001. It is also argued that the petitioners received a notice of the reference from the Court on 29.7.2001 and immediately thereafter filed substitution application on 6.8.2001. He, Therefore, requested that the order of the Additional District Judge to the extent that it has directed that the petitioners will not be entitled to interest for the period from 29.1.2000 to 6.8.2000 be set aside.

4. I find force in the submission. Once the Court found that sufficient cause was shown by the petitioner for not bringing the LR's of the deceased claimant on record in the specified time and delay was condoned and the abatement of the proceedings if any was set aside, there was no reason why the petitioners should be deprived of the interest which they were otherwise entitled in law as per the Counsel for the petitioner. I, Therefore, find that the order of the learned Additional District Judge is not in accordance with law. There is material irregularity in the exercise of the jurisdiction by the learned Additional District Judge. Accordingly, the petition is allowed. The order of the learned Additional District Judge to the extent it has denied interest to the petitioners for the period from 29.1.2000 to 6.8.2001 is set aside.

5. The petition stands disposed of.