

'REPORTABLE'

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4623 OF 2021  
(Arising out of SLP (C)No. 12066 of 2021)  
(Arising out of SLP (C)CC No. 4865 of 2017)

CENTRAL GOVT. OF INDIA

Appellant(s)

VERSUS

RAJ DEVI ALIAS RAJ KUMARI & ANR.

Respondent(s)

O R D E R

K. M. JOSEPH, J.

Delay in filing the special leave petition is condoned.

Leave granted.

We have heard Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the appellant, and Mr. J.S.Thind, learned counsel for the 1<sup>st</sup> respondent.

By the impugned judgment, the High Court upheld order dated 11.11.2014 by which the objections filed by the appellant were disposed of by the Execution Court and the appellant was directed to make payment on or before 12.01.2015.

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Reason

The dispute in question which arises for our consideration is whether interest is payable on solatium

from the date possession was taken from the 1<sup>st</sup> respondent. There is no doubt that physical possession was taken in this case on 16.06.1990. The contention of the appellant, however, is that this is a case where the principle which has been enunciated by this Court in *Gurpreet Singh v. Union of India* (2006) 8 SCC 457 would apply and interest on solatium could be granted only from the date of the judgment of this Court in *Sunder v. Union of India* (2001) 7 SCC 211 i.e. 19-09-2001.

We may notice the reasoning of the High Court, which is as follows:

"Mr. J. S. Thind, learned counsel appearing on behalf of respondent No. 1-claimant-landowner submits that this Court while deciding the R.F.A. had granted the element of solatium and interest and the findings have been upheld by the Hon'ble Supreme Court. This fact is not disputed by the other side. He submits that the award granting solatium and interest being not part of the decree has already been upheld by the Hon'ble Supreme Court vide order dated 2.1.2014 passed in Special Leave Petition (Civil) No. 21784-21799 of 2013 (Central Govt. of India, Thru Defence Est. Versus Bakhta & another etc. etc.). In the other matters also, the land owners had assailed the findings of the Executing Court and the same have been set-aside by this Court vide order dated 21.2.2013 passed in Civil Revision No. 3160 of 2012 and other connected matters (Annexure P-10). This fact is also not disputed by the counsel for the petitioner.

In view of the aforementioned facts, I do not find any illegality and perversity in the order under challenge. No interference in the impugned order is called for."

Therefore, as already noticed, the question arises