

Supreme Court of India

Om Prakash & Ors vs Dil Bahar & Ors on 19 May, 2006

Author: . A Lakshmanan

Bench: Dr. Ar. Lakshmanan, Lokeshwar Singh Panta

CASE NO. :

Appeal (civil) 7040 of 2000

PETITIONER:

Om Prakash & Ors.

RESPONDENT:

Dil Bahar & ors.

DATE OF JUDGMENT: 19/05/2006

BENCH:

Dr. AR. Lakshmanan & Lokeshwar Singh Panta

JUDGMENT:

J U D G M E N T Dr. AR. Lakshmanan, J.

The appeal is directed against the judgment and final order dated 31.3.2000 passed by the High Court of Delhi at New Delhi in Civil Appeal no.820 of 1987. The same has been pending before this Court since 2000.

The above matter was listed for final hearing before us during summer vacation. On 16.5.2006, after hearing the respective learned counsel appearing for the parties, we passed an order requesting the learned counsel for the parties to discuss this matter with their respective clients and explore the possibility of settling the matter amicably by sharing the compensation amount according to their due share and thereafter pursue the Reference jointly under section 18 of the Land Acquisition Act for enhancement of compensation. Again on 18.5.2006, we passed a detailed order after hearing all the parties. Both the parties agreed to share the compensation at the rate of 65% for the respondents 1,2 & 3 and 35% for the appellants and respondent no.5. Certain other directions were also issued by that order.

Pursuant to the above two orders, the parties to this appeal have filed an application for placing on record and recording compromise arrived at between the parties. We have perused the Compromise Memo. The Compromise Memo has been signed by Mr. Harinder Mohan Singh, learned counsel for the appellants and Mr. Randhir Singh Jain, learned counsel for the respondent nos.1,2 & 3. The compromise is in tune with the discussions made by the parties on the two earlier occasions as mentioned in other two orders. Mr. Om Prakash, appellant no.1 herein, Mr. Ajit Singh, appellant no.2 herein, Mr. Sumer Singh, appellant no.3 herein, Mr. Rajinder Prashad, appellant no.4 herein, Mr. Jai Pal, respondent no.6 herein, Mr. Dil Bahar, who was originally arrayed as respondent no.2 in the above appeal and presently respondent no.1, Mr. Mohinder Singh, who was originally arrayed as respondent no.3 in the above appeal and presently respondent no.2, and Mr. Gulab Singh, who was originally arrayed as respondent no.4 in the above appeal and presently respondent no.3 have

filed sworn affidavits stating that the compromise has been arrived at with cosent which has been given by them of their free will and volition and the same shall be binding on all of them. They also ratified that the statements made in para nos.1 to 6 of the application for placing on record and recording compromise arrived at between the parties are true to their knowledge. The affidavits have been attested by Mr. Dipankar Das, Notary Public, on 18.5.2006.

Since the parties have mutually and amicably settled the matter amongst themselves, we dispose of the appeal by recording the compromise arrived at between the parties. The Compromise Memo will form part of the judgment and decree in this appeal. The Compromise Memo will also be attached with the Judgment and copies will be furnished to all the parties on payment of necessary charges. In view of the compromise, the parties are at liberty to withdraw the compensation which is now available with the Land Acquisition Officer, New Delhi and also that may be awarded in Reference under Section 18 of the Land Acquisition Act and in other appeals/proceedings that may be taken up subsequently in accordance with Law.

The appeal is accordingly disposed of. There shall be no orders as to costs.