

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL MISC. APPEAL NO.1644/2008.

Mohd.Rihan Ansari.

VERSUS

Union of India & Another..

30.04.2008.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Deepak Goyal, for the appellant.

Mr.S.S.Hasan, for the respondents.

Learned counsel for the appellant has confined the appeal to the question of interest only.

Notices were ordered to be issued to the learned standing counsel. Shri S.S.Hasan, accepts notice and appears on behalf of the respondents.

Learned counsel for the appellant has submitted that in this appeal, the appellant is aggrieved on account of the fact that the learned Tribunal has failed to award interest on the amount of compensation. It is further submitted that the interest has been awarded only in the event of default of payment of the compensation amount within sixty days.

It is submitted that the aforesaid directions of not awarding the interest is contrary to the law laid down by the Division Bench of this Court in the case of Union of India vs. Smt.Shamim and Others [S.B.Civil Misc. Appeal No.263/1997] decided on 10.01.2008

while answering the reference.

I have heard the learned counsel for the parties and perused the impugned judgment as well as the order of reference passed by the Division Bench, dated 10.01.2008.

The learned counsel for the parties are in agreement that the learned Tribunal is now required to decide the question of award of interest in the light of the answers given by the Division Bench while deciding the reference vide judgment dated 10.01.2008.

In view of the above, the matter is remanded to the learned Tribunal for deciding the question pertaining to the award of interest including the effective date and the rate of interest to be awarded in the light of the judgment given by the Division Bench dated 10.01.2008, referred to above. The parties are directed to appear before the learned Tribunal on 14.07.2008.

This appeal accordingly stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.