IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 290 of 2025
Date of Decision: 17.09.2026.

State of H.P. & others ...Petitioners.

Versus

Diwan Chand & others ...Respondents.

Coram
Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the petitioners: Mr. Baldev Singh Negi, Additional Advocate General.

For the respondents: Ms. Uma Manta, Advocate, for respondents No. 1 & 2.

Romesh Verma, Judge (oral)

The instant petition has been filed by the State/petitioners against the impugned order dated 14.01.2025, whereby in the execution application under Order 21 Rule 11 of the Code of Civil Procedure filed by the decree holder/respondent, the objections as preferred by the State were ordered to be dismissed.

2. Feeling dissatisfied, the State/petitioners have approached this Court by invoking the provisions of Article 227 of the Constitution of India.

[1] Whether reporters of Local Papers may be allowed to see the judgment?

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3. Since in the present matter, primarily, the dispute pertains to the calculations, therefore, this Court vide its order dated 06.04.2026 in CMPMO No. 289 of 2025, passed the following order:-

> *"The present petition arises out of the orders as passed by the learned District Judge (Forests), District Shimla, H.P. dated 14.01.2025, whereby calculations as submitted by the present respondent have been accepted and thereafter, the warrants of attachment has been issued against the petitioners.*
>
> *The facts of the case are that the land of the present respondents was acquired by the present petitioners/State for the construction of the Road. The Land Acquisition Collector passed the award in favour of the respondent.*
>
> *Feeling dissatisfied, the present respondents Bhadur Singh, Jawala Prasad and Rajender Singh filed reference petition in the Court on learned Additional District Judge-II, Shimla, H.P. on 10.05.2012. The learned Reference Court on 30.06.2017 allowed the Reference Petition and the petitioners were held entitled to enhanced compensation @ Rs. 26,828.47/- per apple tree in the following manner:-*

Case No.	*Khasra Nos.*	*Total land in hectares*	*Total land in biswas*	*Total trees*	*Total amount of trees (Rs.)*
10-R/4 of 2014/12	*135/1,366/1 51/1*	*0-07-86*	*20.89*	*21*	*26,828.47x 21= 5,63,397.87*
4-R/4 of 2014/12	*123/1, 165/1, 122/1,22/3*	*0-13-01*	*34.58*	*35*	*26,828.47x 35=9,38,996.45*
6-R/4 of 2014/12	*368/1, 391/1411/1, 14/1, 20/1*	*0-11-98*	*31.84*	*32*	*26,828.47x 32= 8,58,511.04*
7-R/4 of 2014/12	*460/1,52/1*	*0-04-61*	*12.25*	*12*	*26,828.47x 12= 3,21,941.64*
8-R/4 of 2014/12	*158/1, 406/1*	*0-01-39*	*3.69*	*4*	*1,07,313.38*
12-R/4 of 2014/12	*134/1, 469/1,*	*0-05-66*	*15.04*	*15*	*26,828.47x 15=4,02,42*

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	15/1				*7.05*
14-R/4 of 2014/12	*401/1, 407/1, 471/1, 408/1*	*0-10-23*	*27.19*	*27*	*26,828.47x 27= 7,24,368.69*
17-R/4 of 2014/12	*256/1*	*0-05-51*	*14.64*	*15*	*26,828.47x 15=4,02,42 7.05*
18-R/4 of 2014/12	*251/1*	*0-00-75 (1/6th share of petitioner Inder Singh)*	*1.99*	*2*	*26,828.47x 2=53,,656.9 4*
19-R/4 of 2014/12	*251/1*	*0-04-55*	*12.09*	*12*	*26,828.47x 12=3,21,94 1.64*

Besides, the present respondent was also held entitled for the following reliefs:

> *"i) They shall be entitled to solatium @ 30% per annum on the enhanced market value of trees assessed herein above.*
>
> *ii) They shall also be entitled for additional acquisition charges @ 12% per annum under Section 23(IA) of the Act form the date of issuance of notification under Section 4 of the Act i.e. till the date of award made by Land Acquisition Collector.*
>
> *Iii) Further, they shall be entitled to interest under Section 28 of the Act on the market value assessed under Section 23(1) of the Act, solatium, the Additional acquisition charges worked out under Section 23 (iA) of the Act @ 9% per annum from 01.02.2002 to 31.01.2003 i.e. for the period of one year and @ 15% per annum from 01.02.2003 till the amount of payment/deposit of the amount of payment/deposit of the amount of payment /deposit of the amount of*

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compensation as assessed above in the Court."

The present respondents filed Execution Petition under the provision of Order 21 Rule 11 of CPC for satisfying the award as passed by learned Reference Court. The learned District Judge (Forest), District Shimla, H.P. sought the calculations from the respective parties.

After perusing the same, learned District Judge-II, Shimla, H.P. accepted the calculation as submitted by the respondent/claimant and thereafter, ordered the attachment of the property of the present petitioner.

During the course of arguments, it was contended by learned counsel for both the parties that since primarily the dispute pertains to the calculation and the amount of compensation to be paid to the respondents, therefore, they shall have no objection, in case the Registry of this Court is directed to calculate the amount for which the claimants/ respondents are entitled. They further submitted that the calculation which so ever shall be done by the Registry shall be final and none of the parties shall raise objection for the calculation.

In view of the submissions made by learned counsel for the parties, Registry of this court is directed to calculate the amount, strictly as per the award as passed by the Reference Court, which is liable to be paid to the present respondent in accordance with award as passed by the Reference Court. The Registry is directed to submit its report within a period of six weeks from today. It is made clear that calculation which so ever shall be submitted by the Registry shall be final and no objection shall be raised by either of the side as agreed by both the parties. List after six weeks."

4. This Court vide its order had passed a **consent** order on 06.04.2026 and it was made clear that the calculation whatsoever shall be submitted by the Registry shall be final inter se the parties, and no objection shall be raised by either of the sides, which was agreed upon by both the parties.

5. In pursuance to the order which was passed by this Court, the Registry, in aid with the learned counsel for the parties, had carried out the calculations, and as per the same,

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the State has deposited a sum of ₹10,25,361/- in the Registry of this Court, whereas the present respondents/claimants are entitled to get the amount of compensation to the tune of ₹12,81,964/-. Thus, remaining amount of ₹2,56,603/- alongwith interest amounting to Rs.41,970/-, totaling Rs.2,98,573/- is still payable by the State.

6. Consequently, in view of the calculations which has been done by the Registry, the impugned order as passed by the learned Reference Court does not call for any interference and the present petition is disposed of in view of the calculations as submitted by the Registry, whereby the present respondents/claimants have been held entitled to get the amount of compensation to the tune of ₹12,81,964/-. The parties are at liberty to file appropriate application for the release of the amount of compensation.

7. As per the report of Registry, the State has deposited entire amount of compensation in CMPMO No. 133 of 2025. It is ordered that as and when the parties file appropriate applications for the release of the amount of compensation, the said amount shall be released from the amount as deposited in aforesaid CMPMO.

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8. As per the calculations, the State/petitioners are directed to deposit the deficient amount, with the Registry of this Court on or before next date of hearing, positively, failing which interest at the rate of 6% per annum shall be leviable on the same. List for compliance/deposit of the amount by the State/petitioners on or before **17.11.2026.**

9. Mr. Tribhuwan Singh, LAO, is present in the Court and he undertakes to deposit the entire deficient amount in the Registry of this Court within a period of eight weeks from today. He shall remain present in the Court on the next date of hearing to file report compliance.

10. Accordingly, petition stands disposed of, so also the pending miscellaneous application(s).

(Romesh Verma)
Judge

September 17, 2026
(Nisha)

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