IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 638 of 2025
Date of Decision: 06.10.2026

Ganesh Dutt ...Petitioner.

Versus

Mohinder Sharma & others ...Respondents.

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

Whether approved for reporting?[1]

For the petitioner: Mr. Sudhir Thakur, Senior Advocate with Mr. Somesh Sharma, Advocate.

For the respondents: Mr. P.S.Goverdhan, Senior Advocate with Mr. Neeraj Bhardwaj and Mr. Rakesh Thakur, Advocates, for respondent No.1.

Romesh Verma, Judge (oral)

The instant petition has been filed for the grant of following relief:

"It is, therefore, very humbly prayed that the present petition may kindly allowed and the impugned order 09.10.2025 (Annexure P-9) may kindly be set aside and amount of compensation released in favour of the present respondent no. 1 may kindly be directed to be returned and deposited before the present respondent no. 2 and the bank account of the present respondent no. 1 in Punjab National Bank branch office Solan H.P. IFSC No.: PUNB0043300, account No. 0433000100102198 in the name of Mohinder Sharma may kindly be freezed immediately and the direction may kindly be issued not to release the same amount till the decision of the reference petition pending before the Ld. Reference Court."

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

High Court of H.P.

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2. Vide order dated 31st October 2025, this Court had passed the following order:-

> "***CMPMO No. 638 of 2025***
>
> *Notice confined to respondent No.1, returnable for 19.12.2025. Steps for the service of said respondent be taken, within a period of one week.*
>
> ***CMP No. 26130 of 2025***
>
> *Notice in above terms.*
>
> *In light of the fact that learned Senior Counsel appearing for the petitioner informed the Court that pursuant to impugned order dated 09.10.2025, an amount of Rs. 2,54,04,660/- stands released in favour of respondent No.1, it is hereby ordered that the bank account of respondent No.1 in Punjab National Bank, Branch Office Solan, H.P, having account No. 0433000100102198, IFSC Code PUNB0043300, is hereby attached with the direction to the bank that the account holder shall not be allowed to deal with the amount of Rs.2,54,04,660/-, which has been deposited in the said bank account in terms of order dated 09.10.2025. However, this order will not be an impediment as far as respondent No.1 dealing with his account is concerned in addition to the amount of Rs.2,54,04,660/-."*

3. Thereafter, on 4th November 2025, when the matter was taken up, this Court passed the following order:

> "***CMP No. 26356 of 2025***
>
> *Notice confined to non-applicant No. 1, on taking steps within one week, returnable for 08.12.2025.*
>
> *By way of this application, the applicant has made the following prayers:-*
>
> > *"It is therefore humbly prayed that the present application may kindly be allowed and the present application may kindly be taken up and the Order dated 31.10.2025 may kindly be modified to the extent that the Accounts No. 65001523630 in SBI 06490100010700 in Solan, UCO Bank Solan and 0433000100242681 in PNB Solan may*

High Court of H.P.

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also kindly be ordered to be Freezed /attached in the interest of justice and fair play."

When this case was listed before this Court on 31.10.2025, in CMP No. 26130 of 2025, the following order was passed:-

"Notice in above terms. In light of the fact that learned Senior Counsel appearing for the petitioner informed the Court that pursuant to impugned order dated 09.10.2025, an amount of Rs. 2,54,04,660/- stands released in favour of respondent No.1, it is hereby ordered that the bank account of respondent No.1 in Punjab National Bank, Branch Office Solan, H.P, having account No. 043300100102198, IFSC Code PUNB0043300, is hereby attached with the direction to the bank that the account holder shall not be allowed to deal with the amount of Rs.2,54,04,660/-, which has been deposited in the said bank account in terms of order dated 09.10.2025. However, this order will not be an impediment as far as respondent No.1 dealing with his account is concerned in addition to the amount of Rs.2,54,04,660/-."

Learned Senior Counsel appearing for the applicant submits that amount of Rs.2,54,04,660/- has been transferred by the Account Holder in terms as stand mentioned in para-3 of the application and therefore, in terms of the application, a prayer has been mentioned that the bank account mentioned therein be also freezed/attached and it be also observed that non-applicant/ respondent No. 1 should not be allowed to utilize the said amount.

In light of the fact that out of the three bank accounts as mentioned in the application, only two bank accounts relates to the non-applicant-Mohinder Sharma, till further order, it is directed that the bank accounts of the petitioners, details whereof are given in para-3 of the application, i.e. Bank Account No. 65001523630 at SBI, Solan and Bank Account No. 06490100010700, at UCO Bank, Solan, shall also be attached and said respondent shall not be allowed to operate said bank accounts without the leave of the Court."

4. It is contended by the learned Senior Counsel for the petitioner that since the amount of compensation has been wrongly ordered to be released in favour of respondent No.1, therefore, he may be directed to refund the said amount to the

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present petitioner/applicant along with up-to-date interest. He further submits that the amount which has already been released or taken by respondent No.1 may also be ordered to be refunded back to the present petitioner.

5. On the other hand, the said contention of the learned Senior Counsel for the petitioner has been strongly refuted by the learned Senior Counsel for the respondent No.1. He submits that the reference petition under Section 3H of the National Highways Act is pending in the Court of learned District Judge, Solan, and the case has been fixed for final arguments on 28.10.2026. He further submits that once the issue of apportionment has to be adjudicated by the competent Court of law, i.e., the learned Reference Court/District Judge, therefore, no further order can be passed in these proceedings.

6. Keeping in view the attending facts and circumstances of the case and the dispute *inter se* the parties, the order which was passed by this Court on 4th November 2025 is made absolute, and the Bank accounts of the respondent No.1, as mentioned in the said order, shall be deemed to have been attached, and respondent No.1 shall not be allowed to operate

High Court of H.P.

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the said Bank account till the time the matter is adjudicated by the learned District Judge / Reference Court.

7. Further, it is ordered that for the amount which has already been received by respondent No.1, he is directed to furnish an undertaking before Registrar (Judicial) of this Court within a period of two weeks from today positively, by stating that in case the proceedings which are pending for apportionment in the Court of learned District Judge/ Reference Court go against him, in that event, he shall be liable to refund the said entire amount along with up-to-date interest to the present petitioner without any protest. Needful shall be done positively by the respondent.

8. In the meantime, the learned District Judge is requested to take the aforesaid proceedings to its logical end expeditiously.

9. It is made clear that in case of any violation on behalf of respondent No.1 to the undertaking which shall be filed by him before the Registrar (Judicial), he shall be liable to be punished under the Contempt of Courts Act.

10. The order dated 04.11.2025 was partially modified on 19th December 2025, whereby respondent No. 1 was allowed

High Court of H.P.

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to operate the account with respect to the pension amount. It is made clear that respondent No. 1 shall be entitled to operate the said account but shall not be entitled to release or remit the compensation amount in any manner.

11. With these observations, the present petition is ordered to be disposed of, so also the pending miscellaneous application(s), if any.

(Romesh Verma)
Judge

October 06, 2026
(Nisha)

High Court of H.P.

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