

Tarun Kishore Chandel vs . State Of H.P. on 7 March, 2024

Author: Sandeep Sharma

Bench: Sandeep Sharma

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Tarun Kishore Chandel vs. State of H.P. CWP No.4573 of 2023 07.03.2024 Present: Mr. Varun Thakur, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondent No.1 /State.

Further four weeks' time, as prayed is granted to respondents No.1 & 8 to file reply, failing which, Managing Director, Manav Bharati, University, Solan, shall remain present in the Court.

List on 18.04.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Sital Sharma v s. State.

07.03.2024 Present: Mr. Vinay Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for the respondents /State.

Further two weeks' time, as prayed is granted to respondents No.1 to 3 to file reply.

List on 22.03.2024. In the meantime, rejoinder, if any, to the reply filed on behalf of respondent No.4, be also filed.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

M/s Milestone Gear P. Ltd. vs. HPSEBL 07.03.2024 Present: Mr. Manik Sethi, Advocate, for the petitioner.

Mr. Dhananjay Sharma, Advocate, for the respondent.

Further four weeks' time, as prayed is granted to the respondent to file reply, failing which, right to

file the same shall stand closed and this Court would be constrained to decide the petition on the basis of the material already available on record.

Interim order to continue.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Dharam Singh Vs. the Division Commission & Ors.

07.03.2024 Present: Mr. Balwant Singh Thakur, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for r respondents No.4 to 6 /State.

Further four weeks' time, as prayed is granted to the respondents to file reply.

Copy of the petition, if not already supplied, be supplied to learned Additional Advocate General, enabling him to do the needful well within the stipulated time.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Ram Krishan Vs. Union of India & Ors.

07.03.2024 Present: Mr. Maan Singh, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1-Union of India.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, r Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents No.2 & 3/State.

Reply on behalf of respondent No.2 & 3 is on record. Rejoinder, if any, to the same be filed within a period of four weeks.

In the meantime, respondent No.1, may also file.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Ravinder Raina vs. The State of H.P. and Ors.

07.03.2024 Present: Mr. Rakesh Thakur, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents No.1 to 3/State.

Mr. Harmohan, Advocate vice Mr. Varun Rana, Advocate, for respondent No.4.

Mr. N.K. Bhalla, Advocate, for respondents No.5 to 8.

Last opportunity of four weeks, as prayed for, is granted to learned Additional Advocate General to file reply.

Reply on behalf of respondents No.4 to 8, is on record. Rejoinder, if any, to the reply filed on behalf of aforesaid respondents No.4 to 8 be filed on or before the next date of hearing.

List on 02.04.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Raj Kumar vs. Karnataka State Open University Kukhtangotri & Anr.

07.03.2024 Present: Mr. Rajesh Kumar Parmar, Advocate, for the petitioner.

Mr. Atul Jhingan, Advocate, for respondent No.1.

Reply on behalf of respondent No.1 though is stated to have been filed, but the same is not on record.

Registry is directed to trace and place the same on record if in order.

Since copy of the reply stands already received by learned counsel representing the petitioner, he prays for and is granted two weeks' time to file rejoinder.

Steps for the service of respondent No.2 have not been taken. Be taken within a period of two days, enabling the Registry to issue notice, returnable for 22.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Raj Kumar vs. Karnataka State Open University Kukhtangotri & Anr.

07.03.2024 Present: Mr. Rajesh Kumar Parmar, Advocate, for the petitioner.

Mr. Atul Jhingan, Advocate, for respondent No.1.

Reply on behalf of respondent No.1 though is stated to have been filed, but the same is not on record.

Registry is directed to trace and place the same on record if in order.

Since copy of the reply stands already received by learned counsel representing the petitioner, he prays for and is granted two weeks' time to file rejoinder.

Steps for the service of respondent No.2 have not been taken. Be taken within a period of two days, enabling the Registry to issue notice, returnable for 22.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Mankind Life Sciences Pvt. Ltd. vs. The CPFC and others 07.03.2024 Present: Mr. Atul Jhingan, Advocate, for the petitioner.

Mr. Navlesh Verma, Advocate, for the respondents.

Further three weeks' time, as prayed, is granted to file reply. List thereafter.

Interim order to continue.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Anita Devi vs. State of H.P. & Ors.

07.03.2024 Present: Mr. Shivam Gautam, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents No.1 to 3/State.

None for respondent No.4.

Mr. Ankit Dhiman, Advocate, for respondent No.5.

Mr. Ankit Dhiman, learned counsel has filed memo of appearance on behalf of respondent No.5. He prays for and is granted two weeks' time to file Power of Attorney as well as reply to the petition.

Though respondent No.4 has served for today, but he has not chosen to come present, hence, he is ordered to be proceeded against ex parte.

List on 22.03.2024, on which date, reply on behalf of respondents No.1 to 3 be also filed.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Vinod Kumar vs. State of H.P. 07.03.2024 Present: Mr. Jyotirmay Bhutt, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents No.1& 2/State.

At the request of learned counsel for the petitioner, list on 14.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Students Welfare Association of APG Shimla University vs. State of H.P. & Ors.

07.03.2024 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents No.1 to 4/State.

Mr. Vishwajeet Singh, Advocate, for respondent No.5.

Mr. Sanjay Dalmia, Advocate, for respondent No.6.

Having regard to the prayer made in the instant petition coupled with the interest of the students studying in the respondent No.8-University, leaving the question of maintainability of the present petition open, this Court deems it fit to call upon Mr. Sanjay Dalmia, learned counsel for respondent No.6-Bank to have instructions as to whether the academic activities in the University in question can be carried out during the ongoing academic session, pending settlement under One Time Settlement Scheme inter se the respondent-University and the respondent-Bank or not?

Aforesaid instructions be made available to the Court on the next date of hearing.

List on 11.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Sandeep Sood vs. Himachal Pradesh Transport Corporation &Ors.

CMP-T No.52 of 2024 in Execution Petition 07.03.2024 Present: Mr.Balwant Singh Thakur, Advocate, for the petitioner.

Ms. Shrutika, Advocate vice Mr. Dheeraj K.Vashisht, Advocate, for the respondents.

By way of instant application, prayer has been made on behalf of the applicant/petitioner for revival of Execution Petition No.128 of 2023, titled as Mr. Sandeep Sood vs. State of Himachal Pradesh Transport Corporation and Ors., which was otherwise disposed of vide judgment dated 18th December, 2023, passed by a Coordinate Bench of this Court thereby specifically directing the respondents to implement the judgment dated 19.12.2022 (Annexure E-1) and to release the consequential benefits of pay, seniority, continuity in service etc. to the petitioner within four weeks.

It is not in dispute that the prayer made on behalf of the respondents for staying the operation of the aforesaid impugned judgment by learned Single Judge stands declined in the LPA filed by the respondents-Corporation. It is also not in dispute that order passed by a Division Bench of this Court, thereby rejecting the claim made on behalf of the respondents-corporation for staying the operation of judgment dated 19.12.2022(Annexure E-21) was laid .

challenge before Hon'ble Apex Court by way of a SLP, but even there no stay was granted and SLP was withdrawn.

In view of the above, though there is no option left but to implement the mandate contained in the judgment dated 19.12.2022(Annexure E-1) passed by this Court, but yet on one pretext or the other, the matter is being delayed.

Though having taken note of the fact that undue delay has been caused by the respondents in implementing the mandate contained in the judgment alleged to have been violated, this Court would have straightway passed order of attachment of the property of the department and salary of the erring of officials, but on the vehement request of learned Additional Advocate General, one week's time, as prayed for, is granted to the respondents to comply with the judgment sought to be executed, failing which Managing Director, HRTC, Shimla shall remain present in the Court to explain that why the property of the department and salary of the erring officials be not attached towards the execution of the judgment sought to be executed.

List on 16.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Ex. Havildar Sarwan Singh vs. Ajay Singh & Ors.

07.03.2024 Present: Mr. Devinder Kumar, Advocate, for the appellant.

Mr. Parav Sharma, Advocate, for respondent No.1.

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of the applicant/respondent No.1 for release of awarded amount lying deposited in the Registry of this Court.

Pursuant to notice issued in the instant application, Mr. Devinder Kumar, learned counsel has put in appearance on behalf of non-applicant/appellant. He prays for and is granted one week's time to file reply, failing which, this Court shall have no option, but to decide the instant application on the basis of material already available on record.

List on 16.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Man Dassi vs. Nota Ram & Anr.

CMP(M) No118 of 2024 07.03.2024 Present: Mr. Munish Datwalia, Advocate, for the applicant.

Issue notice to the respondents, returnable within four weeks, on taking steps within a period of one week. List thereafter.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Pankaj Rana vs. State of H.P. & Ors.

Execution Petition No.135 of 2024 07.03.2024 Present: Mr. Piyush Mehta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for the respondents/State.

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents. He prays for and is granted three weeks' time to file reply. Needless to say, pendency of the present petition shall not be bar for the respondents to comply with the mandate of the judgment sought to be executed in the instant proceedings, if so advised.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

NIC vs. Sumit & Ors.

07.03.2024 Present: Mr. Pritam Singh Chandel, Advocate, for the appellant.

Mr. Vijender Katoch, Advocate, for respondent No.1.

Mr. Arun Kumar, Advocate, for respondents No.2 r & 3.

Reply to the application, as prayed, be filed on or before the next date of hearing, failing which, this Court shall have no option, but to decide the same on the basis of material already available on

record.

List on 14.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Dr. Aditi Badiyala vs. CSKHPKV Palampur & Anr.

07.03.2024 Present: Mr. Jeevan Kumar, Advocate, for the petitioner.

Ms. Aruna Chauhan, Advocate, for respondent No.1.

r Mr. Arun Kumar, Advocate, for respondent No.2.

For the reasons stated in the application, the same is allowed. Application stands disposed of.

Registry is directed to list this matter for final hearing in the last week of May, 2024.

In the meantime, pleadings, if not already completed, be also completed by all the parties.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Kundan Lal vs. State of H.P. & Ors.

07.03.2024 Present: Mr. Vishal Gautam, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for the respondent/State.

Since Mr. R.K. Gautam, learned counsel, who has to argue the case on behalf of the petitioner is not available today on account of some personal difficulty, prayer has been made on his behalf for adjournment. Prayer allowed, as not opposed.

List on 04.04.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Jaiwant Sharma vs. State of H.P. & Ors.

07.03.2024 Present: Mr. Maan Singh, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents

No.1 to 4/State.

CWP No.1736 of 2024 & CMP No.2376 of 2024 Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 to 4.

Separate notice be issued to respondent No.5, returnable for 09.04.2024, on taking steps within a period of one week. In the meantime, Reply on behalf of appearing respondents be also filed.

The application is disposed of with a direction to the applicant to file English translation of Annexures P-3 & P-4, within four weeks.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Krishnav Yadav vs. The Secretary (Education) & Ors.

07.03.2024 Present: Mr. Pankaj Yadav, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate General with Ms.Manika Chauhan, Deputy Advocate General, for respondents No.1 & 2/State.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.3.

CWP No.1747 of 2024 & CMP No.2394 of 2024 Notice. Mr. Rajan Kahol, learned Additional Advocate General and Mr. Balram Sharma, learned Deputy Solicitor General of India, appear and waive service of notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted four weeks' time to file reply.

List on 26.03.2024.

(Sandeep Sharma) Judge 7th March, 2024 (reena) .

Yadvinder Singh vs. Onkar Chand Sharma & Ors.

01.03.2024 Present: Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the respondents.

r Notice. Mr. Manoj Chauhan, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents. He prays for and is granted two weeks' time to file reply.

List on 22.03.2024 before appropriate Bench.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Pankaj vs. State of H.P. 01.03.2024 Present: Mr. Virender Singh, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the respondent/State.

ASI Kapil Dev, P.S. East Shimla, present with r record.

Since pursuant to order dated 19.01.2024, the case at hand is required to be heard and decided by Hon'ble SB-II, which had earlier rejected the bail petition filed by the petitioner vide order dated 19.08.2021, list the present petition before the same Bench on 15.03.2024 after getting necessary approval from Hon'ble the Chief Justice.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Raman vs. State of H.P. 01.03.2024 Present: Mr. R.K. Chaudhary, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the respondent/State.

ASI Sanjeev Kumar, I.O, Sadar, Kullu, District r Kullu, present with record.

Though respondent-State has filed status report in terms of order dated 14.02.2024 and ASI Sanjeev Kumar, I.O, Sadar, Kullu, District Kullu, has come present with record, but since the case at hand is required to be heard and decided by Hon'ble SB-II, this petition be listed before the same Bench on 15.03.2024 after getting necessary approval from Hon'ble the Chief Justice.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Sanjeev Thakur vs. Jang Bahadur & Ors.

01.03.2024 Present: Mr. Hemant Vaid, Advocate, for the petitioner.

Mr. Anirudh Sharma, Advocate, for respondent No.1.

Notice not issued to respondents No.2 to 6 and 8 to 12.

None for respondent No.7.

Last opportunity of two weeks, as prayed for, is granted to learned counsel representing the petitioner to file rejoinder, failing which, right to file the same shall stand closed.

List on 22.03.2024.

Interim order to continue till the next date of hearing.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Vikram Chandel vs. State of H.P. 01.03.2024 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the respondent/State.

Notice. Mr. Manoj Chauhan, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

In the meanwhile, in the event of arrest of the applicant-petitioner in case FIR No. 23 of 2021, dated 03.03.2021, under Sections 420, 467, 468 and 471 of IPC, registered at Police Station East Shimla, District Shimla, H.P., he be released on bail on his furnishing bail bonds in the sum of Rs.25000/- with one surety in the like amount to the satisfaction of the Investigating Officer. Needless to add, the applicant-petitioner shall also join the investigation tomorrow, i.e. on 02.03.2024 at 04.00 P.M. and as and when required by the Investigating Officer, shall not hamper the investigation and temper with the prosecution evidence in any manner. He shall also comply with the conditions as contained in Section 438 of the Code of Criminal Procedure.

List on 15.03.2024 before appropriate Bench.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Ramesh vs. State of H.P. 01.03.2024 Present: Ms. Ruma Kaushik, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the respondent/State.

r Notice. Mr. Manoj Chauhan, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 04.03.2024 before appropriate Bench.

In the meanwhile, learned Additional Advocate General may specifically verify the factum, if any, of 'Chaturdashi' of deceased son of the petitioner scheduled to be held on 06.03.2024.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Chaman Singh alias Shyama vs. State of H.P. 01.03.2024 Present: Ms. Bhanvi Negi, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the respondent/State.

r Notice. Mr. Manoj Chauhan, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 15.03.2024 before appropriate Bench.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Harjot Singh vs. State of H.P. 01.03.2024 Present: Mr. Rakesh Kumar Chaudhary, Advocate, for the petitioner.

Mr. Manoj Chauhan and Mr. Rajesh Mandhotra, Additional Advocates General, for the r respondent/State.

Notice. Mr. Manoj Chauhan, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 15.03.2024 before appropriate Bench.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Birender Singh & Ors. vs. Hari Dutt (deceased) through his LRs.

01.03.2024 Present: Ms. Kusum Chaudhary, Advocate, for the appellants.

Ms. Devyani Sharma, Senior Advocate with Mr. Basant Pal Thakur, Advocate, for the respondents.

At the joint request of learned counsel representing the parties, list this matter after four weeks.

In the meantime, parties to lis may complete their record, as prayed for.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Shiv Dass & Ors. vs. Mathu Ram & Ors.

01.03.2024 Present: Mr. Sumit Sharma, Advocate, for the appellants.

Mr. Rakesh Thakur, Advocate, for respondents No.1,2(a) to 2(c) and 3 to 5.

At the joint request of learned counsel representing the parties, list after four weeks.

In the meantime, fresh amended memo of parties may also be filed giving therein correct particulars of appellant No.13.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Shiv Dass & Ors. vs. Mathu Ram & Ors.

01.03.2024 Present: Mr. Sumit Sharma, Advocate, for the appellants.

Mr. Rakesh Thakur, Advocate, for respondents No.1,2(a) to 2(c) and 3 to 5.

At the joint request of learned counsel representing the parties, list after four weeks.

In the meantime, fresh amended memo of parties may also be filed giving therein correct particulars of appellant No.13.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Shamshad Begum & Anr. vs. Mohd. Irshad & Ors.

01.03.2024 Present: Mr. Anil Kumar, Advocate vice Mr.Suneet Goel, Advocate, for the petitioner.

Mr. Arun Sehgal, Advocate vice Mr. I.S. Narwal, Advocate, for respondents No.1 to 5. r Learned counsel representing the parties state that since the case at hand has come up for final hearing after considerable time, they may be given some time to ascertain the status of the parties as well as dispute.

Accordingly, in view of the above, list this matter on 05.04.2024, as jointly agreed inter se parties.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Anand Swarup vs. State of H.P. and Ors.

01.03.2024 Present: None for the petitioners.

Ms. Seema Sharma, Deputy Advocate General, for the respondent/State.

Mr. Kashmir Singh Thakur, Advocate, for respondent No.3.

Since file of respondent No.3 is not available with him, he prays for adjournment. Prayer allowed, as not opposed.

List after two weeks, as prayed for.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Virender Singh vs. State of H.P. & Ors.

01.03.2024 Present: Ms. Pooja Thakur, Advocate Vice Mr. Ravinder Singh Chandel, Advocate, for the petitioner.

Ms. Seema Sharma, Deputy Advocate General, for the respondent/State.

Mr. Virender Negi and Aashish Kumar, r Advocates, for respondent No.4.

Mr. Peeyush Verma, Advocate, for respondent No.5.

After having heard learned counsel representing the parties for some time, this Court finds it necessary to peruse the record and as such, learned Deputy Advocate General is directed to produce the record on the next date of hearing with regard to application as well as documents annexed therewith by the petitioner at the time of counselling for batch-wise selection for the post of Language Teacher.

List on 22.04.2024, as prayed for.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Lakshmi Dutt and Ors. vs. HRTC and Anr.

01.03.2024 Present: Mr. Surender Sharma, Advocate, for the petitioners.

Ms.Suchitra Sen, Advocate, for respondent No.1.

Mr. Dikken Kumar, Advocate, for respondent r No.2.

At the joint request of learned counsel representing the parties, list on 12.03.2024.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Arvind Malik vs. State of H.P. 01.03.2024 Present: Mr. Vinod Gupta, Advocate, for the petitioner.

Ms. Seema Sharma, Deputy Advocate General, for the respondent/State.

Perusal of the fresh status report reveals that only five prosecution witnesses remain to be examined and for that purpose, learned court below has fixed the case on 06.03.2024.

In view of the above, list this matter on 20.04.2024.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Narain Chand vs. Vijay Chander & Ors.

01.03.2024 Present: Mr. Vivek Thakur, Advocate Vice Mr. Sanjeev Sood, Advocate, for the appellant.

Ms. Rinki Kashmiri, Advocate vice Mr. Janesh Gupta, Advocate, for the respondents.

At the joint request of learned counsel representing the parties, list on 26.03.2024.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Shashi Prabha vs. Ramesh Parkash and Ors.

01.03.2024 Present: Mr. Shivank Singh Panta, Advocate, for the appellant.

Ms. Aakansha Chauhan, Advocate Vice Mr. Vivek Sharma, Advocate, for respondents No.2,4 r &5.

None for respondent No.6.

Since learned original counsel representing respondents No.2,4 & 5 has to leave the Court on account of some personal difficulty, learned vice counsel appearing on behalf of aforesaid respondents prays for an adjournment.

Prayer allowed, as not opposed.

List on 15.03.2024.

(Sandeep Sharma) Judge 1st March, 2024 (reena) .

Vijay Kumar & Anr. vs. Prakasho Devi and Ors.

Civil Revision No.185 of 2018 with Civil Revision No.216 of 2015, 58, 74 & 75 of 2016 29.02.2024 Present:

r Mr. Gautam petitioner(s).

Sood, Advocate, Mr. Peeyush Verma, Advocate, for respondents No.1 to 5.

for the Mr. Khem Raj, Advocate vice Mr. Abhishek Banta, Advocate, for respondents No.6 to 8.

Civil Revisions No.74 & 75 of 2016 Mr. Peeyush Verma, Advocate, for the petitioner(s).

Mr. Gautam Sood, Advocate, for the respondent(s).

As prayed for, list on 22.03.2024.

(Sandeep Sharma) Judge 29th February, 2024 (reena) .

Roshan Lal Verma vs. Mahant Ram & Anr.

29.02.2024 Present: Mr.Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the appellant.

Mr. G.R. Palsra, Advocate, for respondents No.1 and for proposed legal heirs of deceased respondent No.2, i.e. respondents No.2(a) to 2(d).

By way of instant application filed under Order 41 Rule 27 read with Section 151 of CPC, a prayer has been made on behalf of the applicant/appellant to adduce additional evidence.

Reply to the aforesaid application stands already filed.

Now list this application along with main appeal to be listed for final hearing in the second week of April, 2024.

In the meanwhile, record if not already received, be also called for.

(Sandeep Sharma) Judge 29th February, 2024 (reena) .

Amar Singh & Ors. vs. Jagdish Chand 29.02.2024 Present: Ms. Bhawna Sharma, Advocate vice Ms. & 8.

r to
Mr. Aasheesh
respondent .

Patial, Advocate,

Further two weeks' time, as prayed for, is for the granted to learned counsel representing the appellants to file Power of Attorney on behalf of appellant No.7.

List on 05.04.2024.

(Sandeep Sharma) Judge 29th February, 2024 (reena) .

Vineet vs. Vishal Sohal & connected matter Civil Revision No.4083 of 2013 with Civil 29.02.2024 Present: Ms. Devyani Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the petitioners.

r to Mr. Sunil Mohan Goel, Advocate, for the respondent in Civil Revision No.4083 of 2013.

Ms. Akanksha Chauhan, Advocate Vice Mr. Vivek Sharma, Advocate, for the respondent in Civil Revision No.32 of 2014.

At the request of learned counsel representing the parties, list on 16.03.2024.

(Sandeep Sharma) Judge 29th February, 2024 (reena) .

Surinder Kumar vs. Sanjay Kumar & Ors.

CMP-T No.804 of 2023 in COPCT No.227 of 04.11.2023 Present: Mr. K.S. Banyal, Senior Advocate with Mr. Uday Singh Banyal, Advocate, for the applicant/petitioner.

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy r Advocate General, for the respondents/State.

By way of instant application, prayer has been made on behalf of the applicant/petitioner for revival of the contempt petition bearing COPCT No.227 of 2020, which was disposed of on account of the fact that judgment alleged to have been violated, was laid challenge in the Civil Writ Petition.

Now, since Civil Writ Petition having been filed by the non-applicants/respondents against the judgment alleged to have been violated, stands finally decided, prayer has been made on behalf of the applicant/petitioner for revival of the contempt petition.

For the reasons stated in the application, prayer made on behalf of the applicant/petitioner is allowed and COPCT No.227 of 2020, is restored to its original number.

Application stands disposed of.

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Ms. Seema Sharma, learned Deputy Advocate General prays for and is granted two weeks time to have instructions/to file reply.

List on 24.11.2023.

4th November, 2023

to

(Sandeep Sharma)
Judge

(reena)

M/s Kundlas Loh Udyog vs. State of H.P. 04.11.2023 Present: Mr. Sharwan Dogra, learned Senior Counsel with Mr. Manik Sethi, Advocate, for the petitioner.

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy Advocate General, for the respondent/State.

Learned Deputy Advocate General seeks time to have instructions.

List on 07.11.2023, as prayed for.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Surjit Singh vs. State of H.P. Cr.MPM No2812 of 2023 04.11.2023 Present: Mr. Sarthak Mehta, Advocate, for the petitioner.

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy Advocate General, for the respondent/State. r Notice. Mr. Baldev Singh Negi, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 17.11.2023.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Satish Kumar vs. State of H.P. & Ors.

04.11.2023 Present: Mr. Hirdaya Ram, Advocate, for the petitioner.

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy Advocate General, for the respondent/State. r Ms. Seema Sharma, learned Deputy Advocate General prays for and is granted further four weeks' time to file reply.

On the last date of hearing respondent No.8, came present in person and stated that no separate reply is required to be filed in the matter and he be permitted to adopt the reply filed by the respondent/State.

Though, respondent No.9 stands served for 22.06.2023, but she has not chosen to come present and as such, ordered to be proceeded against ex parte.

List after four weeks.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Raghunandan Goel vs. State of H.P. CWP Nos.2787 & 2790 of 2008 04.11.2023 Present: Ms. Kavita Kajal, Advocate vice Mr. Atharav Sharma, Advocate, for the petitioner(s).

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy r Advocate General, for the respondents/State.

Mr. Divya Raj Singh, Advocate, for respondents No.4 & 5.

List after four weeks, as prayed for.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Kartar Singh & Ors. vs. Rachna Devi & Ors.

04.11.2023 Present: Mr. Shourya, Advocate vice Mr. Tara Singh Chauhan, Advocate, for the appellants.

Mr. Shivam Sharma, Advocate, for the respondents.

r Since, learned Senior Counsel, who has to argue the case on behalf of the respondents, is not present on account of some personal difficulty, a request has been made on his behalf for adjournment. Prayer allowed, as not opposed.

List after four weeks.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

State of H.P. & Ors. vs Jai Dev (since deceased) through LRs 04.11.2023 Present: Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy Advocate General, for

appellants No.1 & 2/State.

Mr. Abhishek Sood, Advocate, for appellant No.3-IIT Mandi.

Mr. V.S. Chauhan, Senior Advocate with Mr. Rajul Chauhan, Advocate, for respondents No.1(a) to 1(c).

None for respondents No.1(d) to 1(g).

As prayed, list on 29.12.2023.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Pavinder Kumar vs. Jagdish Singh and others 04.11.2023 Present: None for the appellant.

Ms. Amita Chandel, Advocate, for respondents No.1 to 4.

r Respondents No.5 to 18 proceeded ex parte.

Respondents No.19 to 21 stand deleted.

Respondents No.20 & 22 has died.

RSA No.101 of 2012 & CMP No.1224/2012 As prayed, list after four weeks.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Shashi Prabha vs. Ramesh Parkash & Ors.

04.11.2023 Present: Mr. Shivank Panta, Advocate, for the appellant.

Mr. Vivek Sharma, Advocate, for respondents No.1,2,4 & 5.

Mr. Swaran Sharma, Advocate, for respondent No.6.

Further two weeks' time, as prayed, is granted to the respondents to have instruction, in terms of order dated 20.10.2023.

List on 08.12.2023.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Rekha Karol and ors. vs. Lachmi Devi & Ors.

04.11.2023 Present: Ms. Meera Devi, Advocate, for the appellant.

Mr. Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the respondent No.1 and for respondents No.5,7 & 8.

Mr. Peeyush Verma, Advocate, for respondent r No.10.

Names of respondents No.1,11 and 12 stand deleted.

Having taken note of the fact that learned Senior Counsel representing the appellant is not well, as such, the matter is adjourned for 01.12.2023 with clear understanding that same shall be heard on the said date.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Shyam Chander Paul Singh & Ors. vs. Nain Tara Paul Singh a/w connected matter RSA No.290 of 2012 a/w 04.11.2023 Present: Mr. Sumit Sharma, Advocate, for the appellants, in both the appeals.

Mr. Neeraj Gupta, Senior Advocate with Ms. Rinki Kashmiri, Advocate, for the respondent(s) r in both the appeals.

CMP Nos.14732 & 14734/2023 Further two weeks' time, as prayed, is granted to file reply.

List on 08.12.2023.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Deepa Devi vs. State of H.P. & Ors.

04.11.2023 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy Advocate General, for respondents No.1 to r 3/State.

Mr. Janamjay, Advocate vice Mr. Sunil Mohan Goel, Advocate, for respondents No.4.

List after four weeks, as prayed for.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Anand Modgil vs. Chairman State Transport Authority 04.11.2023 Present: None for the petitioner.

Mr. Baldev Singh Negi, Additional Advocate General with Ms. Seema Sharma, Deputy Advocate General, for the respondents/State. r Though, an intimation has been received on behalf of the

petitioner for listing of the present case on 21 st or 22nd of November, 2023, but since this Court shall be sitting singly on 24.11.2023, list this case on the aforesaid date and Registry is directed to send intimation to the petitioner, especially calling him to come present, on the date fixed by this Court.

List on 24.11.2023.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Lakshmi Dutt and Ors. vs. HRTC and Anr.

04.11.2023 Present: Mr. Surender Sharma, Advocate, for the petitioner.

None for the respondents.

At the request of learned counsel representing the petitioner, list on 24.11.2023.

(Sandeep Sharma) Judge 4th November, 2023 (reena) .

Kudeep Singh vs. The Principal Chief Conservator of Forests (HoFF) & ors.

CMP No.15580 of 2023 in CWP No.3039 of 2023 31.10.2023 Present: Mr. Karan Singh Parmar and Ms. Rashmi Parmar, Advocates, for the applicant/petitioner.

r to By way of instant application filed under Section 151 of CPC, prayer has been made on behalf of the applicant/petitioner for recalling of order dated 30.10.2023, whereby petition having been filed by the petitioner laying therein challenge to transfer order dated 15.05.2023 (Annexure P-2) came to be disposed of, as having rendered infructuous on the basis of statement made by learned proxy counsel.

It is averred in the application that on account of abstain, original counsel is unable to present himself and learned proxy counsel wrongly made a statement that on account of promotion of respondent No.4, as Range Forest Officer, Churah, present petition has rendered infructuous.

Ms. Rashmi Parmar, learned counsel representing the applicant/petitioner submits that though respondent No.4 was transferred to Forest Block Chanju, Range Tikari under Forest Division, Chamba vice applicant/petitioner, but since applicant/petitioner vide transfer order dated 15.5.2023, stands transferred in the office of DFO Chamba against vacancy, promotion of .

respondent No.4, if any, is of no consequence because in that eventuality, transfer order passed in the case of the petitioner would stand. The above-named counsel has further submitted that petitioner has been transferred from present place of posting within a span of 9 months and as such, transfer order is not sustainable in the eye of law.

While inviting attention of this Court to the reply filed on behalf of the respondents, Mr. Rajan Kahol, learned Additional Advocate General has vehemently argued that petitioner has been working in Chanju Block for more than 5 years and as such, it cannot be said that he has been transferred within a period of 9 months.

Having perused the reply filed by the respondents, this Court finds that petitioner had been working prior to his transfer in Chanju Block for more than 5 years and as such, there appears to be no justification to interfere with the transfer order. However, having taken note of the fact that petitioner's wife is unwell and also coupled with the fact that respondent No.4, who was ordered to be transferred against the petitioner, has not joined at present place of posting of the petitioner, this Court disposes of the present application, reserving liberty to the applicant/petitioner to file representation before the competent authority praying therein for cancellation of transfer order or his adjustment at nearby station, within a .

period of two weeks, which in turn, shall be decided by the competent authority, in accordance with law, within a period of two weeks, strictly in terms of the transfer policy, where admittedly a provision has been made to adjust/transfer an employee on account of to adverse family circumstances.

Needless to say, authority concerned while doing the needful, shall afford an opportunity of hearing to the petitioner and pass detailed speaking order. Till the time, representation, if any, filed by the applicant/petitioner within a period of two weeks, is not decided by the competent authority in terms of the instant order, applicant/petitioner shall not be compelled to join, if not already joined, at transferred station.

Application stands disposed of.

(Sandeep Sharma) Judge 31st October, 2023 (reena) .

Nikki Devi vs. Roop Lal & ors.

31.10.2023 Present: Mr. Raju Ram Rahi, Advocate, for the petitioner.

At the request of learned counsel representing the petitioner, list on 03.11.2023.

(Sandeep Sharma) Judge 31st October, 2023 (reena) .

Hari Om Sharma vs. State of H.P. & ors.

20.10.2023 Present: Mr. Bonit Thakur, Advocate vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/State.

While placing on record copy of communication dated 03.10.2023, issued under the signatures of Director, Town & Country Planning Department, H.P., learned Additional Advocate General submits that mandate contained in the judgment sought to be complied with, stands duly complied with.

Having perused the aforesaid communication dated 03.10.2023, which is taken on record, this Court finds that work charge status has been conferred upon the petitioner on completion of 8 years of daily wage service w.e.f. 28.11.2002 with all consequential benefits subject to the final outcome of pending SLP pending adjudication before the Hon'ble Supreme Court of India.

Consequently, in view of the above, nothing remains to be adjudicated in the instant proceedings and as such, same are closed. However, respondents are directed to ensure that all consequential benefits pursuant to aforesaid communication, if not already released, be .

released expeditiously preferably within a period of two months.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Vijay Kumar Sharma vs. Balwan Chand and Ors.

CMP No.14358 of 2023 in COPC No.5 of 2023 20.10.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Nitin Thakur, Advocate, for the respondents.

While placing on record communication dated 18.10.2023, issued under the signatures of Finance Officer, H.P. University, Shimla to the Branch Manager, State Bank of India, Summerhill, Shimla, Mr. Nitin Thakur, learned counsel representing the respondents submits that mandate contained in the judgment alleged to have been violated, stands duly complied with.

Having perused the aforesaid communication, which is taken on record, this Court finds that arrears on account of fixation and other conditions now stands disbursed in favour of the applicant/petitioner, which fact is duly accepted by learned counsel representing the applicant/petitioner and as such, nothing remains to be adjudicated in the instant proceedings and accordingly, the same are closed.

Application stands disposed of.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Sena Devi vs. State of H.P. & ors.

20.10.2023 Present: Mr. Prem Singh, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/State.

r Compliance Affidavit filed in terms of order dated 17.07.2023, is on record, perusal whereof reveals that petitioner has received all the retirement benefits of family pension except 80% of the total amount of revised DCRG.

Though sanctioned amount is Rs.91,260/-, but petitioner has been only released amount of Rs.18,252/-, i.e. 20% of the total amount. Since 80% amount is still not released, petitioner is compelled to approach this Court.

Learned Additional Advocate General to have instructions that why 80% amount is not being released and if not already released, be released forthwith.

List after four weeks.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Ravinder Kumar vs. State of H.P. & ors.

20.10.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.2 to 4.

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of the applicant/petitioner for issuance of directions to revenue authorities not to effect mutation till the disposal of the review petition.

Though vide order dated 06.10.2023, this Court has wrongly issued notice to the respondents in the review petition, but today, the matter has been listed on the request made by learned counsel representing the petitioner, who by way of filing the instant application, has categorically stated that in garb of orders passed vide judgment dated 08.09.2023, which is now being sought to be reviewed in the instant proceedings, mutation is being attested in favour of the respondents.

Learned counsel representing the non-

applicants/respondents states that review petition having been filed by the petitioner is likely to succeed in all probabilities and as such, mutation, if any, effected pursuant .

to judgment sought to be reviewed, may adversely prejudice interest of the respondents.

In view of the above, revenue authorities particularly Tehsildar, Dharamshala, is directed not to effect mutation, if any, pursuant to judgment dated 08.09.2023, passed by this Court in CWP No.1335 of 2018 till further orders.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

M/s Dabur India Ltd. vs. Emami Ltd. And connected matter Civil Suit No.121 of 2021 with COPC No.463 of 2021 Civil Suit NO.121 of 2021 20.10.2023 Present: Mr. Vinay Kuthiala, Senior Advocate with Mr. Devi Singh, Advocate, for the plaintiff.

r Mr. Nitin Thakur, Advocate, for the defendant.

Mr. Vinay Kuthiala, Senior Advocate with Mr. Devi Singh, Advocate, for the petitioner.

Mr. Nitin Thakur, Advocate, for respondent No.1.

De-linked.

Civil Suit NO.121 of 2021 List on 04.12.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Raj Kumar Vs. Ramesh Chand 20.10.2023 Present: Mr. Praveen Chandel, Advocate, for the plaintiffs Mr. Hitesh Thakur, Advocate, for defendant No.1.

r to Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for defendant No.3.

At the request of learned counsel representing the plaintiffs, list after two weeks.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Ms. Anita Puri vs. State of H.P. and others 20.10.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondent/State.

Mr. Dixit Advocate vice Mr. Vikrant Thakur, Advocate, for respondent No.2.

Mr. Narender Sharma, Advocate, for respondent No.3.

Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for respondents No.4 & 5.

For the reasons stated in the application, the same is allowed. Complete copy of DPC proceedings dated 03.01.2023, is ordered to be taken on record.

Learned Additional Advocate General prays for and is granted further two weeks' time to comply with the directed contained in order dated 03.10.2023.

List on 28.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Balbir Singh vs. H.P. Board of School Education 20.10.2023 Present: Mr. K.B. Khajuria, Advocate, for the petitioner.

Mr. Vinod Chauhan, Advocate, for the respondent.

r At the request of learned counsel representing the respondent, matter is adjourned by two weeks, enabling the respondent/Department to do the needful in terms of order dated 25.082023. List thereafter.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Daya Devi vs. State of H.P. & Ors.

20.10.2023 Present: Mr. Onkar Jairath and Ms. Nisha Sankhyan, Advocates, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/State.

CWP No.7733/2021 & CMP No.14565/2023 List on 18.12.2023, as prayed for.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Rajinder Kumar vs. State of H.P. & ors.

Execution Petition (T) No.2 of 2022 20.10.2023 Present: Ms. Ambika Kotwal, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

While placing on record communication dated 19.10.2023, issued under the signatures of Director General of Police, H.P., learned Additional Advocate General prays for and is granted further two weeks' time to do the needful.

List on 20.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Kathu Ram vs. State of H.P. & Ors.

20.10.2023 Present: Mr. V.D. Khidtta, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/State.

For the reasons stated in the application, the same is allowed. Application stands disposed of.

List this matter for hearing in the first week of March, 2024.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Ashwani Kumar and Anr. vs. State of H.P. & Ors.

20.10.2023 Present: Mr. Vijay Kumar, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

r Further four weeks' time, as prayed for is granted to the respondent to comply with the order dated 06.10.2023, passed by this Court, failing which, respondents No.2 to 4, shall remain present in the Court, on the next date of hearing.

List on 01.12.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Bir Chand vs. State of H.P. 20.10.2023 Present: Mr. Sative Chauhan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

r At the request of learned counsel representing the petitioner, the matter is adjourned by four weeks.

List on 04.12.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Desh Raj Sharma vs. State of H.P. & others 20.10.2023 Present: Mr. Sanjay Dutt Vasudeva, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondent No.1.

Mr. Amandeep Sharma, Advocate, for respondent No.2.

CWP No.2433 of 2023 & CMP No.4782 of 2023 Reply filed by respondent No.1, is on record.

Reply on behalf of respondent No.2, is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order.

Learned counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder. List thereafter.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

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Amar Singh vs. Himachal Gramin Bank Cr.MP No.2887 of 2023 in Cr. Revision No.179 of 20.10.2023 Present: Ms. Leena Guleria, Advocate, for the applicant/petitioner.

r to Mr. Anirudh Sharma, Advocate, for the non- applicant/respondent.

Learned counsel representing the non-

applicant/respondent states that despite repeated communications, nothing is being heard from Manager, H.P. Gramin Bank, Branch Office at Gada-Gusaini, Tehsil Bali Chowki, District Mandi. This Court finds that repeatedly matter came to be adjourned enabling the non-

applicant/respondent to have instructions and file reply to the application, but till date, needful has not been done and as such, it is compelled to issue Court notice to aforesaid non-

applicant/respondent. Registry is directed to issue Court Notice to Manager, H.P. Gramin Bank, Branch Office at Gada-Gusaini, Tehsil Bali Chowki, District Mandi, specifically calling upon him to come present in person, on the next date of hearing, i.e. 20.11.2023, failing which, this Court would be constrained to cause his presence through other means.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Tulsi Ram Thakur vs. Shivani Sharma CMP No.9894 of 2023 in CMPMO No.1118 of 2019 20.10.2023 Present: Mr. Amrinder Singh Rana, Advocate, for the applicant.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r
respondents No.2 & 3.

Mr. Vivek Sharma, Advocate, for respondents No.4 & 5.

Learned counsel representing the non-

applicants/respondent pray for and are granted two weeks' time to file reply. List thereafter.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Anil Tanwar vs. Hem Raj Bairwa CMP No.11732 of 2023 in COPC No.222 of 20.10.2023 Present:
Mr. Vaibhav Tanwar, Advocate, for the applicant/petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the
respondents.

Learned Additional Advocate General prays for an adjournment on the ground that his file is not
traceable today.

As prayed for, list on 17.11.2023.

However, it is made clear that on or before the next date of hearing, mandate contained in the
judgment alleged to have been violated, shall be complied with, failing which, respondents shall
remain present in the Court to explain that why they be not punished for their having disobeyed the
mandate contained in the judgment alleged to have been violated.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Naminder Singh vs. Shri Atma Singh 20.10.2023 Present: Mr. Dinesh Chander Sharma, Advocate,
for the petitioner.

Mr. Dheeraj K. Vashisht, Advocate, for the respondent.

By way of instant application filed under Section 152 read with Section 151 of CPC, prayer has been
made on behalf of the applicant/petitioner for setting aside the order dated 21.06.2023, whereby
petition bearing CMPMO No.249 of 2022 was dismissed, as withdrawn on the request of learned
counsel representing the petitioner.

Learned counsel representing the non-

applicant/respondent prays for and is granted two weeks' time to file reply.

List on 22.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Naminder Singh vs. Shri Atma Singh 20.10.2023 Present: Mr. Dinesh Chander Sharma, Advocate, for the petitioner.

Issue notice to the respondent, returnable for 22.11.2023, on taking steps within a period of one week.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Lokender Kanwar vs. V.C. Pharka and others 20.10.2023 Present: Mr. Kiran Kumar Chauhan, Advocate vice Mr. Dushyant Dadwal, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/State.

While placing on record the communication dated 17.10.2023, issued under the signatures of Additional Secretary(EST & CC) to the Government of Himachal Pradesh, Mr. B.C. Verma, learned Additional Advocate General submits that since no notice was issued to respondent No.1, there was no occasion for him to file reply.

He further submits that otherwise also, judgment alleged to have been violated, stands stayed vide order dated 6th August, 2018, passed by this Court in CWP No.1697 of 2018.

In view of the aforesaid development, let this matter be adjourned by two weeks' as prayed for.

List in first week of March, 2024.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Madho Dass Mahant vs. Aman Sapeia COPC No.457 of 2021` 20.10.2023 Present: Mr. Anupam Anzannii Mehta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/State.

Mr. Ashok Kumar, Advocate, for respondents No.6(a) to 6(c).

Learned counsel representing respondents No.6(a) to 6(c) prays for and is granted two weeks' time to complete his brief. List thereafter.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Arvind Kumar Arora vs. Suman Lata Gupta 20.10.2023 Present: Mr. Anuj Nag, Advocate, for the petitioner.

Mr. Rahul Gathania, Advocate vice Mr. Rajat Awasthy, Advocate, for the respondent.

Learned vice counsel appearing on behalf of the respondent prays for an adjournment on the ground that arguing counsel is not available today on account of some personal difficulty.

Consequently, in view of the above, list this matter on 22.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Kamlesh Gupta vs. Kamal Mohan Grover 20.10.2023 Present: Mr. Aditya Thakur, Advocate, for the petitioner.

Mr. Navneet K. Bhalla, Advocate, for the respondent.

CMPMO No.428/2022 & CMP No.12661/2022 Reply filed on behalf of the respondent is on record.

Learned counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder.

List on 16.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Madan La vs. Kamla Sharma with connected matter CMPMO Nos.517 & 542 of 2022 20.10.2023 Present: Mr. Anuj Mehta, Advocate, for the petitioner(s).

Mr. Sanket Sankhyan, Advocate, for the respondent(s).

List on 09.11.2023, as prayed for.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Ramesh Chand Thakur vs. State of H.P. & ors.

20.10.2023 Present: Mr. Gopal Singh, Mr. Ashwani Sharma and Mr. Sanjay Bhardwaj, Advocates, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/State.

CWP No.8097 of 2023 & CMP No.15292 of Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents. He prays for and is granted four weeks' time to file reply.

List on 30.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Pradeep Kumar @ Murli vs. State of H.P. 20.10.2023 Present: Mr. Rakesh Kumar Chaudhary, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondent/State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 06.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Mohar Singh vs. State of H.P. 20.10.2023 Present: Mr. Manoj Pathak, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

r Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 06.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Raj Kumar vs. State of H.P. 20.10.2023 Present: Mr. Nitin Sood, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

r Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 07.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Dile Ram & another vs. State of H.P. & ors.

CMP No.15241 of 2023 in CWP No.4667 of 2023 20.10.2023 Present: Mr. Hirdaya Ram, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/State.

By way of instant application filed under Section 151 of CPC, prayer has been made for correction in the memo of parties, wherein, inadvertently, name of petitioner No.2 has been wrongly reflected as Lailash Chand instead of Kailash Chand.

For the reasons stated in the application, the same is allowed and name of petitioner No.2, is ordered to be corrected from Lailash Chand to Kailash Chand and thereafter, Registry may supply correct copy of the judgment to learned counsel representing the petitioners.

Application stands disposed of.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Dr. Prince Goyal vs. State of H.P. & Ors.

20.10.2023 Present: Mr. C.N. Singh, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents. He prays for and is granted four weeks' time to file.

List on 17.11.2023.

Notice in the aforesaid terms.

In the meanwhile, respondents are restrained from terminating/relieving the petitioner from the post of Statistician-cum-Assistant Professor in the Department of Community Medicine at Dr. Yashwant Singh Parmar Government Medical College Nahan, District Sirmour, H.P. till further orders.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Susheela Sharma & Ors. vs. State of H.P. & others.

20.10.2023 Present: Mr. Surender Sharma, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 & 2/State.

Mr. Dhananjay Sharma, Advocate, for respondent No.3.

CWP No.8048 of 2023 & CMP No.15211 of Notice. Mr. B.C. Verma, learned Additional Advocate General and Mr. Dhananjay Sharma, learned Counsel, appear and waive service of notice on behalf of respondents No.1 & 2 and respondent No.3, respectively.

They pray for and are granted four week's time to file reply.

Separate notice be issued to respondent No.4, returnable for 24.11.2023, on taking steps within a period of one week.

The application is disposed of with a direction to the applicants to file English translation of documents in issue, within a period of four weeks.

(Sandeep Sharma) Judge 20th October, 2023 .

(reena)

r to

Tulsi Prakash vs. State of H.P. & Ors. a/w connected matters CWP No.4973/2022 a/w CWP Nos.5022, 5023, 5229, 5452, 5458 & 7087/2022 20.10.2023 Present: Mr. Vinay Sharma, Advocate for the petitioner(s) in CWP Nos. 4973, 5022, 5023, 5229 and 7087/2022.

Mr. Pankaj Thakur, Advocate, for the petitioner(s) in CWP Nos.5452 and 5458/2022.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/State in all the matters.

Mr. Mukul Sood, Advocate, for respondent No.3- Corporation in all the matters.

Mr. Arvind Sharma, Advocate, for respondents No.4 & 5, in all the matters.

Further one week's time, as prayed, is granted to learned counsel representing the petitioner to file application for amendment.

List on 08.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

M/s Kahan Chand vs. Ravi Chand 20.10.2023 Present: Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar, Advocate, for the petitioner.

Mr. Pranjal Munjal, Advocate, for respondents No.1 to 3.

Mr. Anil Kumar, Advocate, for respondent No.5.

Mr. Dhananjay Sharma, Advocate, for respondent No.6.

No reply is intended to be filed to the instant application and as such, right to file the same stands closed.

As prayed, list for consideration on 22.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Govinder Singh vs. Tejinder Singh 20.10.2023 Present: Mr. Sumit Sood, Advocate, for the petitioner.

Mr. R.L. Sood, Senior Advocate with Ms. Sanjeevani Sood, Advocate, for the respondent.

r List on 29.11.2023, as prayed for.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Vinod Kumar vs. State of H.P. & Ors.

20.10.2023 Present: Mr. Vishwa Bhushan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1 to 4/ State.

Further two weeks' time, as prayed, is granted to the respondents to file reply.

List on 17.11.2023 along with main petition.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Ajay Kumar vs. HPU 20.10.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Nitin Thakur, Advocate, for the respondent/University.

r Though, reply on behalf of the respondent/University, is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order. Since, copy of the same stands already received by learned counsel representing the petitioner, he may file rejoinder, if any, to the same, within a period of two weeks.

Registry is directed to reflect the name of Mr. Nitin Thakur, Advocate representing the respondent, in the cause-list, henceforth.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Eshan Thakur vs. State of H.P. & ors.

20.10.2023 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1 to 3/ State.

Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for respondent No.4.

CWP No. 5265/2023 & CMP No.10205/2023 Though, reply filed on behalf of respondents No.1 to 3 is on record, but before passing further orders, this Court deems it necessary to call for the records.

List on 21.11.2023, on which date, learned Additional Advocate General shall produce record with regard to previous posting of the petitioner as well as respondent No.4, alongwth D.O Notes, if any, issued in their favour.

Interim order to continue till further orders.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Rakesh Kumar vs. State of H.P. 20.10.2023 Present: Mr. Sohail Khan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Last opportunity of one week, as prayed, is granted to the petitioner to file rejoinder, failing which, right to file the same shall stand closed.

List on 01.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Indu Sharma vs. State of H.P. & Ors.

20.10.2023 Present: Mr. M.A.Safee, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

CWP No.6029 /2023 & CMP No.11586/2023 Further four weeks' time, as prayed, is granted to the respondents/State to file reply.

List on 04.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Sunil Kumar vs. State of H.P. & Anr.

20.10.2023 Present: Mr. Ashok K. Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.1/ State.

Mr. Vikrant Thakur, Advocate, for respondent No.2.

CWP No.6293 /2023 & CMP No.12119/2023 Further four weeks' time, as prayed, is granted to respondent No.1/State as well as respondent No.2 to file reply.

List on 04.11.2023.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Munshi Ram Verma vs. State of H.P. & ors.

20.10.2023 Present: Mr. Hirdaya Ram, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

CWP No.6383/2023 & CMP No.12290/2023 Further one week's time, as prayed for, is granted to the respondents to file reply.

List on 08.11.2023.

Interim order to continue.

(Sandeep Sharma) Judge 20th October, 2023 (reena) .

Kirpa Ram Thakur vs. State of H.P. a/w connected matter CWP No.221 of 2021 with CWPOA No.4695 of 2019 19.10.2023 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Narender Singh Thakur, Advocate, for respondents No.2 & 3.

Mr. Sunil Mohan Goel, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Narender Singh Thakur, Advocate, for respondent No.3.

As prayed for, list on 22.11.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Khushal Singh vs. State of H.P. 19.10.2023 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents / State.

As prayed for, list on 22.11.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Ajeet Paul Singh Tanwar vs. Himachal Pradesh Gramin Bank & Anr.

19.10.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

r to Mr. Kulbhushan Khajuria, Advocate, for the respondents.

No rejoinder is intended to be filed on behalf of the petitioner to the reply filed by the respondents.

At the request of learned counsel representing the respondents, list on 30.11.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Kuldeep Singh vs. State of H.P. 19.10.2023 Present: Mr. Prashant Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondent / State.

Reply filed on behalf of respondents No.1 & 2, is on record.

Learned counsel representing the petitioner prays for and is granted one week's time to file rejoinder.

List on 06.11.2023, on which date, learned Additional Advocate General shall also make available record.

Interim order to continue.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

M/s Chadha and Co. vs. Union of India Execution Petition No.2 of 2020 19.10.2023 Present: Mr. J.S. Bhogal, Senior Advocate with Mr. Suneet Goel, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for the respondent-Union of India. r Further one opportunity is granted to learned Deputy Solicitor General to have instructions in terms of order dated 12.09.2023, failing which, this Court shall have no option, but to decide the petition on the basis of material already available on record.

List on 05.12.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Kirpal Singh vs. State of H.P. a/w connected matters CWPOA No.6042 of 2020 a/w CWPOA Nos. 6000, 6004, 6004, 6008, 6011, 6013, 6016, 6020, 6026, 6030, 6034 and 6039 of 2020 19.10.2023 Present: Mr. Tek Chand Sharma and Mr. K.C. Sankhyan, Advocates, for the petitioner(s).

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. r Verma, Additional Advocates General, for the respondent / State.

Learned Additional Advocate General has placed on record fresh instructions dated 18.10.2023, issued under the signatures of Superintendent Engineer, Mechanical Circle, HPPWD, Dhalli, Shimla.

Learned counsel representing the petitioner(s) prays for and is granted two weeks' time to go through the same. Copy of fresh instructions, if not already supplied, be supplied to learned counsel representing the petitioner enabling him to render proper assistance to this Court, on the next date of hearing.

List on 21.11.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Raj Kumar vs. State of H.P. a/w connected matter CWPOA No.33 of 2019 a/w CWP Nos.7140 of 2021 and 2803 of 2023 19.10.2023 Present: Mr. R.L. Chaudhary, Mr. Vikrant Chandel and Mr. Vinay Sharma, Advocates, for the petitioner(s) in respective petitions.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondent / State.

Learned counsel representing the petitioner(s) pray for and are granted one week's time to file counter affidavit to the instructions dated 15.09.2023, filed by the Director Higher Education, H.P. List on 16.11.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Khem Raj Bhandari vs. State of H.P. & Ors.

19.10.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1 to 3 / State.

Mr. Onkar Jairath, Advocate, for respondent No.4.

Mr. Surinder Saklani, Advocate, for respondent No.5.

Ms. Anchal Sharma, Advocate, for respondent No.7.

Mr. K.C. Sankhyan, Advocate, for respondent No.8.

At the joint request of learned counsel representing the parties, list on 07.11.2023.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

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Sarla Devi vs. State of H.P. & Ors.

19.10.2023 Present: Ms. Shikha Chauhan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent / State.

List on 10.11.2023, as prayed for.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Amit Kashyap vs. State of H.P. & Ors.

19.10.2023 Present: Mr. Sunil Mohan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.1 / State.

Mr. Ganesh Barowalia, Advocate, for respondent r No.2.

List on 08.11.2023, as prayed for.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Baldev Kumar vs. State of H.P. & Ors. a/w connected matter CWP No.2443 of 2012 a/w CWPOA No.3068 of 2019 19.10.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s) in both the petitions.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. r Verma, Additional Advocates General, for the respondents / State in both the petitions.

Mr. Deepak Kaushal, Senior Advocate with Mr. Aditya Chauhan, Advocate, for respondents No.4 & 5 in CWP No.2443 of 2012.

List on 12.12.2023, as prayed for.

(Sandeep Sharma) Judge 19th October, 2023 (reena) .

Sunita vs. State of H.P. & Ors.

18.10.2023 Present: Mr. Tek Chand, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents / State.

CMP-T No.738/2023 & CWPOA No.959/2019 List on 09.11.2023, as prayed for.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Dinesh Kumar vs. State of H.P. & Ors.

18.10.2023 Present: Mr. Sanjeev Kumar Suri, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents / State.

List on 30.10.2023, as prayed for.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Rajesh Kumar vs. State of H.P. & Ors.

18.10.2023 Present: Mr. Vijay Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1to 4/ State.

Mr. S.S. Sood, Advocate, for respondent No.5.

Mr. Gurdev Singh, Advocate, for respondent No.9.

Mr. Mukesh Sharma, Advocate, for respondent No.10.

At the joint request of learned counsel representing the parties, list on 30.10.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Harnam Singh vs. State of H.P. & Ors.

18.10.2023 Present: Mr. P.D. Nanda, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.1/ State.

Mr. Vijay Arora, Advocate, for respondent No.2.

At the joint request of learned counsel representing the parties, list on 17.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

HP Rajya Stariya Fire Brigade Union vs. State of H.P. 18.10.2023 Present: Mr. Vijay Chaudhary, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

r At the joint request of learned counsel representing the parties, list on 23.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Dr. Sunil Sharma vs. State of H.P. & another 18.10.2023 Present: Mr. T.S. Chauhan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

r At the joint request of learned counsel representing the parties, list on 20.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Meera Devi vs. State of H.P. & others.

18.10.2023 Present: Ms. Kiran Dhiman, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Prakash Sharma, Advocate, for respondent r No.3.

At the joint request of learned counsel representing the parties, list on 21.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Meera Devi vs. State of H.P. & others.

18.10.2023 Present: Ms. Kiran Dhiman, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Prakash Sharma, Advocate, for respondent r No.3.

At the joint request of learned counsel representing the parties, list on 21.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Sh. Bhanwar Singh & Ors. vs. State of H.P. & Ors a/w connected matter CWPOA No.3191 of 2019 & CWPOA No.3351 of 18.10.2023 Present: Mr. Rakesh Kumar Dogra, Advocate, for the petitioner(s).

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/ State.

Mr. Imran Khan, Advocate, for respondent No.3 in CWPOA No.3191 of 2019 and for respondent NO.6 in CWPOA No.3351 of 2019.

At the joint request of learned counsel representing the parties, list on 28.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Onkar Singh vs. State of H.P. & others.

18.10.2023 Present: Mr. Amit Singh Chandel, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondent No.1/ State.

Mr. Vijay Kumar Arora, Advocate, for respondents No.2 to 4.

At the joint request of learned counsel representing the parties, list on 20.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Sheela Devi vs. State of H.P. & others.

18.10.2023 Present: Mr. Bonit Parkash, Advocate Vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1 & 2/ State.

Mr. Karun Negi, Advocate, for respondent No.3.

Though respondents/State has filed compliance report/instructions, dated 17.10.2023, but since learned counsel appearing on behalf of the petitioner prays for an adjournment on the ground that original counsel, who has to argue the case, is busy in some other Court, list this matter on 16.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Sh. Prem Chand & Ors. vs. Sh. Salig Ram & Ors. a/w connected matter Civil Revision Nos. 208 and 195 of 2018 18.10.2023 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate, for the petitioners in C.R. No.208 of 2018 and for the respondents in C.R. No.195 of 2018.

Ms. Seema K. Guleria, Advocate, for proposed r LRs. No.1(a) to 1(f) in C.R. No.208 of 2018 and for the petitioners in C.R. No.195 of 2018.

CMP(M) No.343/2023 in C.R. No.208/2018 By way of instant application filed under Order 22 Rule 4 read with Section 151 of CPC, prayer has been made on behalf of the applicants/petitioners for bringing on record LRs of deceased respondent No.1, Sh. Salig Ram, who has expired on 01.01.2023, as is evident from the Death Certificate, placed on record as Annexure A-1.

Though, reply is stated to have been filed, but the same is not on record. Registry is directed to trace and place the same on record, if in order.

Ms. Seema K. Guleria, learned counsel representing proposed LRs No.1(a) to 1(f) of deceased respondent No.1, submits that she has instructions to appear on behalf of aforesaid proposed LRs and has no objection, in case, they are substituted in place of deceased respondent No.1, Sh. Salig Ram. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.1 coupled with the fact that Ms. Seema K. .

Gueria, learned counsel, has filed Power of Attorney on their behalf, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the non-applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of deceased respondent No.1, Salig Ram, whose name is otherwise ordered to be deleted from the array of the parties. Registry to carry out necessary corrections in the memo of parties on the basis of amended memo of parties to be filed by the learned counsel for the applicants/petitioners within a period of one week.

Application stands disposed of.

Since, Ms. Seema K. Guleria, learned counsel, has filed Power of Attorney on behalf of the newly impleaded respondents No.1(a) to 1(f), there is no necessity to issue notices to them.

List on 17.11.2023.

CMP(M) No.345/2023 in C.R. No.195/2018 By way of instant application filed under Order 22 Rule 4 read with Section 151 of CPC, prayer has been made on behalf of the applicants/petitioners for bringing on record LR's of deceased petitioner, Sh. Salig Ram, who has .

expired on 01.01.2023, as is evident from the Death Certificate annexed with the application.

Learned counsel representing the non-

applicants/respondents, states that he does not intend to file any reply to the instant application and has no objection, in case, the same is allowed.

Since right to sue survives in favour of the persons proposed to be substituted in place of deceased petitioner Salig Ram coupled with the fact that Ms. Seema K. Gueria, learned counsel, has filed Power of Attorney on their behalf, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/petitioners, as detailed in para-3 of the application, are ordered to be substituted in place of deceased petitioner, Salig Ram, whose name is otherwise ordered to be deleted from the array of the parties. Registry to carry out necessary correction in the memo of parties on the basis of amended memo of parties annexed with the application.

Application stands disposed of.

CMP No.13391/2019 in CR No.195/2018 By way of instant application filed under Order 5 Rule 20(1) of CPC read with Section 151 of CPC, prayer has .

been made on behalf of the applicant/petitioner for service of respondent No.2(e) through affixation.

No reply is intended to be filed on behalf of non-

applicants/respondents.

It has been averred in the application that since despite best efforts put in, applicant/petitioner has not been able to serve respondent No.2(e) by way of ordinary service, she is required to be served by way of affixation. It has been further averred in the application that respondent No.2(e) though resides on the given address, but she is purposely evading the service.

Consequently, in view of the above, the present application is allowed. Registry is directed to serve respondent No.2(e) by way of affixation of notice at last known address of respondent No.2(e), as mentioned in the memo of parties, returnable for 17.11.2023, on taking steps in this regard by the

petitioner, within one week.

Application stands disposed of.

List along with C.R. No.208 of 2018.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Inder Singh vs. State of H.P. & Ors.

18.10.2023 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 to 4/ State. r Learned Additional Advocate General to have instructions whether the service of the petitioner can be re-

engaged, if yes, he be re-engaged, forthwith.

As prayed, list on 21.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

M/s VRV Foods Limited vs. Indera Dogra 18.10.2023 Present: Mr. Udit Shaurya Kaushik, Advocate vice Mr. Nitin Thakur, Advocate, for the plaintiff.

Mr. Atul G. Sood, Advocate, for the defendant.

Though pleadings in the application are complete, but since, learned original counsel, who has to argue the present application, is not available today, prayer has been made on his behalf for adjournment.

As prayed, list on 29.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Krishan Dayal deceased through his LRs. vs. Ganga Ram deceased through his LRs.

18.10.2023 Present: Mr. Aman Deep Sharma, Advocate, for the petitioners.

Mr. Udit Shaurya Kaushik, Advocate vice Mr. Nitin Thakur, Advocate, for the respondents.

Learned counsel appearing on behalf of the respondents prays for and is granted three weeks' time to file reply.

List on 16.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Ghan Shyam vs. Sudhir Katoch CMP-T No.550 of 2022 in COPCT No.14 of 18.10.2023 Present: Mr. Naveen Awasthi, Advocate, for the applicant/petitioner.

r to Mr. Surinder Saklani, Advocate, for the non- applicant/respondent.

Reply to the application has been filed, but the same is not on record. Registry is directed to trace and place the same on record, if in order.

Perusal of the compliance affidavit made available to this Court reveals that in terms of the judgment dated 08.10.2018, passed by the erstwhile H.P. State Administrative Tribunal in OA No.5964 of 2018, whereby direction was issued to the respondents to consider and decide the case of the petitioner in light of the judgment dated 18.09.2015, passed by this Court in CWP No.8215 of 2013, titled R.B.S. Negi & Ors. vs. State of H.P. & Ors., respondents have considered the case of the petitioner in light of aforesaid judgment, but since, the case of the petitioner is not similar situate to the petitioners in aforesaid Civil Writ Petition, respondent in view of the approval granted by learned Registrar, Co-operative Societies, has disbursed the interest amount on gratuity w.e.f. 29.09.2015.

Since, case of the petitioner stands considered in light of the judgment passed in R.B.S. Negi's case, .

nothing remains to be adjudicated in the present application and accordingly, same is disposed of with liberty reserved to the applicant/petitioner to file appropriate proceedings before appropriate court of law qua the surviving grievances, if any.

r to (Sandeep Sharma)
Judge

18th October, 2023
(reena)

Kaul Chand vs. Sudhir Katoch CMP-T No.549 of 2022 in COPCT No.15 of 18.10.2023 Present: Mr. Naveen Awasthi, Advocate, for the applicant/petitioner.

Let the same be listed for framing of issues on 06.12.2023.

Since pleadings are complete, list for consideration along with main suit on the date already fixed.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Sanjeev Kumar vs. State of H.P. Execution Petition No.23 of 2023 18.10.2023 Present: Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

Learned Advocate General submits that decision has been taken to implement the judgment sought to be executed in the present petition, subject to outcome of Letters Patent Appeal and in that regard, necessary orders shall be passed within a period of three days.

Consequently, in view of the above, list on 20.10.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Sanjeev Kumar vs. State of H.P. Execution Petition No.23 of 2023 18.10.2023 Present: Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

Learned Advocate General submits that decision has been taken to implement the judgment sought to be executed in the present petition, subject to outcome of Letters Patent Appeal and in that regard, necessary orders shall be passed within a period of three days.

Consequently, in view of the above, list on 20.10.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Maya Devi vs. State of H.P. & Ors.

Execution Petition No.229 of 2023 18.10.2023 Present: Mr. Bonit Parkash, Advocate Vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

Further one week's time, as prayed for, is granted to the respondents to file reply/compliance report, failing which, this Court would be constrained to order for attachment of the property of the

department and salary of the erring officials.

List on 08.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Surender Kumar vs. Dr. Y.S. Parmar University of Horticulture and Forestry 18.10.2023 Present: Mr. Bonit Parkash, Advocate Vice Mr. A.K. Gupta, Advocate, for the petitioner.

r to None for the respondent.

Since none has appeared on behalf of the respondent, in the interest of justice, list on 18.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Belo Devi vs. Dr. Y.S. Parmar University of Horticulture and Forestry 18.10.2023 Present: Mr. Bonit Parkash, Advocate Vice Mr. A.K. Gupta, Advocate, for the petitioner.

None for the respondent.

Since none has appeared on behalf of the respondent, in the interest of justice, list on 18.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Mohini Sharma vs. State of H.P. and others 18.10.2023 Present: Mr. Kush Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

r Though compliance affidavit in terms of order dated 20.09.2023, is stated to have been filed, but the same is not on record. Registry is directed to trace and place the same on record, if in order. List thereafter.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Hukum Chand vs. State of H.P. and others 18.10.2023 Present: Mr. Bonit Parkash, Advocate Vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/ State.

Further two weeks' time, as prayed, is granted to the respondents to file compliance report.

List on 16.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Sant Ram vs. State of H.P. and others 18.10.2023 Present: Mr. Bonit Parkash, Advocate Vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

Further two weeks' time, as prayed, is granted to the respondents to file compliance report.

List on 16.11.2023.

(Sandeep Sharma) Judge 18th October, 2023 (reena) .

Desh Raj vs. State of H.P. & ors.

17.10.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No. 1/ State.

Mr. K.D. Sood, Senior Advocate with Mr. Rahul, Advocate, for respondents No.2 & 3.

CWP No.7821/2023 & CMP No.14800/2023 Notice. Mr. B.C. Verma, learned Additional Advocate General and Mr. Rahul, learned Counsel, appear and waive service of notice on behalf of respondent No.1 and respondents No.2 & 3, respectively. They pray for and are granted four week's time to file reply.

List on 30.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Subhash Kumar vs. State of H.P. & others 17.10.2023 Present: Mr. Sanjay Bhardwaj, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Ajay Kumar Chauhan, Advocate, for respondent No.4.

At the request of learned counsel representing the parties, list on 21.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

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Ashwani Kumar Guleria vs. State of H.P. & Anr.

17.10.2023 Present: Mr. C.N. Singh, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

At the request of learned counsel representing the parties, list on 23.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Meena Kumari vs. Thakur Singh and others 17.10.2023 Present: Mr. Karan Sharma, Advocate, for the petitioners.

Mr. Rajesh Kashyap, Advocate, for respondents No.1,1(a) to 10(e) and 11.

r At the request of learned counsel representing the parties, list on 24.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Vijay Kumar vs. HPU 17.10.2023 Present: Mr. Mukesh Sharma, Advocate, for the petitioner.

Ms. Archana Dutt, Advocate, for the University.

r to At the request of learned counsel representing the parties, list on 09.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Dr.Ruchi Sharma vs. State of H.P. & ors.

17.10.2023 Present: Mr. Ashwani K.Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1, 2 & 4/ State.

Mr. Sandeep Pandey, Advocate, for respondent No.3.

Notice. Mr. B.C. Verma, learned Additional Advocate General and Mr. Sandeep Pandey, learned counsel, appear and waive service of notice on behalf of respondents No.1,2 & 4/State and respondent No.3, respectively. They pray for and are granted one week's time to file reply.

List on 30.10.2023.

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing.

In the meantime, it is ordered that selection, if any, of respondent No.5 against the seat of MD Community Medicine Course in Dr. Rajindra Prasad Government Medical College, Tanda, under HP GDO-in-service quota (General Category) shall be subject to outcome of the present petition.

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(Sandeep Sharma)
Judge

17th October, 2023
(reena)

r to

Rakesh Kumar vs. State of H.P. 17.10.2023 Present: Mr. Subhash Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

Mr. N.R. Bhardwaj, Superintendent Jail, District & Open Air Jail, Bilaspur, H.P. and ASI Yash Pal, P.S.SV & ACB, Bilaspur, H.P. present with record.

Pursuant to order dated 16.10.2023, Mr. N.R. Bhardwaj, Superintendent Jail, District & Open Air Jail, Bilaspur, H.P. has come present with record. He states that as per report of the Medical Officer,

District & Open Air Jail, Bilaspur, H.P, petitioner Rakesh Kumar is under treatment at RH Bilaspur & AIIMS, Bilaspur since January, 2023. On his visit on 21.09.2023 to Ortho, Department, AIIMS, Bilaspur, the petitioner was advised operative intervention (Discectomy L-5 S-1) for his next Prolapsed intervertebral Disc at AIIMS Bilaspur, H.P. and his next follow up is after one month. He further states that since facility of physiotherapy & rehabilitation and post operative care is not available in District and Open Air Jail Bilaspur, further decision for rehabilitation and treatment of the petitioner shall be taken on the basis of opinion rendered by the Operating Surgeon.

Learned Senior Counsel representing the petitioner, on instructions, states that since the petitioner is .

resident of Naya Gaon, which is adjacent to PGI, Chandigarh, possibility may be explored to get the petitioner operated from PGI, Chandigarh because, in that eventuality, it would be easy for his family to take care of him. He further states that as of today, Department of Ortho, AIIMS Bilaspur, is not fully equipped with doctors as well as technology and as such, jail authorities may be directed to get the petitioner checked at PGI, Chandigarh. Jail Superintendent, present in Court states that he after having discussion with the Ortho Surgeon at AIIMS, Bilaspur, would take the petitioner to PGI, Chandigarh for check up and if required, he would be operated at PGI, Chandigarh.

In view of the above, matter is adjourned by 10 days, enabling the Jail Superintendent to have a word with the Ortho Surgeon, AIIMS, Bilaspur.

List on 31.10.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Dr. Laxmi Nand vs. State of H.P. & ors.

17.10.2023 Present: Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

CWP No.7847/2023 & CMP No.14851/2023 Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents/State. He prays for and is granted two weeks' time to file reply.

List on 02.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Kehar Singh vs. State of H.P. & ors.

17.10.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No. 1/ State.

Mr. K.D. Sood, Senior Advocate with Mr. Rahul, Advocate, for respondents No.2 & 3.

CWP No.7859/2023 & CMP No.14872/2023 Notice. Mr. B.C. Verma, learned Additional Advocate General and Mr. Rahul, learned Counsel, appear and waive service of notice on behalf of respondent No.1 and respondents No.2 & 3, respectively. They pray for and are granted one week's time to file reply.

The application is disposed of with a direction to the applicant to file English translation of documents in issue, within a period of four weeks.

List on 30.11.2023 alongwith CWP Nos.269 of 2023 and 1381 of 2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Sanjay Kumar vs. State of H.P. & ors.

17.10.2023 Present: Mr. Mukesh Sharma, Advocate Vice Mr Rajiv Rai, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No. 1 to 3/ State.

While placing on record the communication dated 16.10.2023, issued under the signatures of Director, Women & Child Development, H.P., learned Additional Advocate General submits that petitioner has been called for hearing in the office by the competent authority on 18.10.2023 and as such, matter may be adjourned for a week.

In view of the above, list on 06.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Virender Singh vs. State of H.P. & ors.

17.10.2023 Present: Mr. Vinay Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent / State.

r Perusal of the record made available to this Court, reveals that transfer of the petitioner has been cancelled on the administrative grounds, but what are those administrative grounds, have not been spelt out and as such, learned Additional Advocate General is directed to have instructions with regard to administrative exigency to cancel the transfer of respondent No.4, who is admittedly working at GPS Dhundam Matiana Education Block Rajgarh District Sirmour, for the last more than 7 years.

List on 01.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Jai Singh vs. State of H.P. 17.10.2023 Present: Mr. K.B. Khajuria, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent / State.

CWP No.7511 of 2023 CMP No.14260 of 2023 Notice issued to respondents No.3 & 4, are awaited. Be awaited till the next date of hearing.

Pursuant to order dated 09.10.2023, respondent/State has made available record, perusal whereof reveals that petitioner has already completed his normal tenure of posting at present place of posting and now, he has been ordered to be transferred pursuant to order issued by the Hon'ble Chief Minister, Himachal Pradesh.

Though, Sh. K.B. Khajuria, learned counsel representing the petitioner vehemently argued that order of transfer has been effected on the basis of D.O. Note, issued by respondent No.4, but such Note, if any, is not on record.

He prays for and is granted one week's time to place on record material suggestive of the fact that impugned transfer has been effected on the basis of D.O. note, if any, issued by respondent No.4.

List on 02.11.2023.

Till then interim order to continue.

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(Sandeep Sharma)
Judge

17th October, 2023

(reena)

r to

Dr. Shah Payal vs. State of H.P. & Anr.

17.10.2023 Present: Mr. Vishwa Bhushan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent / State.

Learned Additional Advocate General to have instructions whether Operation Theater at Civil Hospital, Haroli, District Una, is equipped with machinery and same has been made operational or not?

List on 02.11.2023.

(Sandeep Sharma) Judge 17th October, 2023 (reena) .

Shashi Pal vs. State of H.P. & others 04.10.2023 Present: Mr. Vinay Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 & 2/ State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 to 4/State. He prays for and is granted one week's time to file reply.

Dasti notice be issued to respondents No.5 & 6, returnable for 19.10.2023, on taking steps within a period of two days.

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meantime, execution and operation of the impugned order dated 29.09.2023 (Annexure P-1) shall remain stayed qua the petitioner.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Inderpal Singh vs. HPU 04.10.2023 Present: Mr. Atharv Sharma, Advocate, for the petitioner.

Mr. V.S. Chauhan, Senior Advocate, with Mr. Ajay Kashyap, Advocate, for respondents No.2 & Mr. Sunil Mohan Goel, Advocate, for respondent r No.4.

CWP No.2915 of 2023 & CMP N.5766 of 2023 Reply on behalf of respondent No.1, is on record.

Learned counsel representing the petitioner prays for and is granted three weeks' time to file rejoinder, if required, to the reply filed on behalf of respondent No.1. In the meantime, reply, if any, by respondents No.2 to 4 be also filed, failing which, right to file the same shall stand closed.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Bhagal Land Losers Cooperative Truck Operators Society vs. State of H.P. 04.10.2023 Present: Mr. Mukesh Sharma, Advocate Vice Mr. Rajiv Rai, Advocate, for the petitioner.

r to Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 to 3/ State.

Mr. Surinder Saklani, Advocate, for respondent No.4.

Mr. Annush Sharma, Advocate, for respondent No.5.

Though rejoinder is stated to have been filed, but the same is not on record. Learned counsel representing the petitioner prays for and is granted one week's time to check with the Registry and ensure that rejoinder if in order, is placed on record.

List on 18.10.2023.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Sh. Chetan Chauhan vs. State of H.P. 04.10.2023 Present: Mr. Mohd. Aamir, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent/State. He prays for and is granted time to file status report, on the next date of hearing.

List on 09.10.2023.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Sh. Ram Kumar vs. State of H.P. & others.

04.10.2023 Present: Mr. Mukul Sood, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 & 2/ State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 & 2/State. He prays for and is granted one week's time to file reply.

Separate notice be issued to respondent No.3, returnable for 20.10.2023, on taking steps within a period of two days.

Notice in the aforesaid terms. Reply, by appearing respondents, if any, be filed on or before the next date of hearing. In the meantime, execution and operation of the impugned order dated 30.09.2023 (Annexure P-1) shall remain stayed qua the petitioner.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Sh. Satish Kumar vs. State of H.P. & others.

04.10.2023 Present: Mr. Mukul Sood, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 to 3/ State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 to 3/State. He prays for and is granted one week's time to file reply.

Separate notice be issued to respondents No.4 & 5, returnable for 20.10.2023, on taking steps within a period of two days.

Notice in the aforesaid terms. Reply, by appearing respondents, if any, be filed on or before the next date of hearing. In the meantime, execution and operation of the impugned orders dated 29.09.2023 & 30.09.2023 (Annexures P-2 & P-4) shall remain stayed qua the petitioner.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Shyam Lal vs. State of H.P. & others.

04.10.2023 Present: Ms. Prajwal Busta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/ State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents/State. He prays for and is granted one week's time to file reply.

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meantime, execution and operation of the impugned order dated 29.09.2023 (Annexure P-1) shall remain stayed qua the petitioner.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Joginder Singh vs. State of H.P. & others.

04.10.2023 Present: Mr. Kul Bhushan Khajuria, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1 to 4/ State.

Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 to 4. He prays for and is granted one week's time to file reply.

Separate notice be issued to respondent No.5, returnable for 16.10.2023, on taking steps within a period of two days.

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meantime, execution and operation of the impugned order dated 30.09.2023 (Annexure P-1) shall remain stayed qua the petitioner.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

Sh.Narender Kumar vs. State of H.P. & others.

04.10.2023 Present: Mr. Rakesh Kumar Dogra, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents No.1 to 3/ State.

Mr. Deepak Sharma, Advocate, for respondent No.4.

CWP No.7217 of 2023 & CMP No.13748 of Notice. Mr. B.C. Verma, learned Additional Advocate General and Mr. Deepak Sharma, learned counsel, appear and waive service of notice on behalf of respondents No.1 to 3 and Respondent No.4, respectively. They pray for and are granted four weeks' time to file reply.

Registry is directed to reflect the name of Mr. Deepak Sharma, Advocate for respondent No.4, in the cause list, henceforth.

(Sandeep Sharma) Judge 4th October, 2023 (reena) .

M/s Synergy Technologies vs. M/s Alvium Life Sciences & Ors.

CMPMO No.512 of 20.09.2023 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate, for the petitioner.

Mr. Dhananjay Sharma, Advocate, for respondents No.2 & 3.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. r Verma, Additional Advocates General, for respondent No.4/ State.

Notice. Mr. Dhananjay Sharma, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive service of notice on behalf of respondents No.2 & 3 and respondent No.4, respectively. They pray for and are granted four weeks' time to file reply.

Separate notice be issued to respondent No.1, returnable for 31.10.2023, on taking steps within a period of two days.

Registry is directed to reflect the name of Office of Advocate General, in the cause list, henceforth.

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meantime, it is ordered that electricity connection, if any, provided in terms of order laid challenge in the instant proceedings, shall be subject to final outcome of the instant petition and under .

the garb of the aforesaid order, no equity shall be claimed by the plaintiff/respondent No.1.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Surjeet Singh vs. Ankush Thakur CMPMO No.603 of 20.09.2023 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Dheeraj K. Vashisht, Advocate, for the petitioner.

r to Mr. Ajay Kumar, Senior Advocate with Mr. Sunny Modgil, Advocate, for the respondent.

List on 27.09.2023, as prayed for.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Jaya Nand Sharma vs. State of H.P. a/w connected matter CWP No.4945 of 2022 with CWP No.3067 of 20.09.2023 Present:

r to Mr. J.L. Bhardwaj, Senior Advocate with Ms. Dhanwanti, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Anil Chauhan, Advocate, for respondent No.2.

Mr. Y.P. Sood, Advocate, for respondent No.3.

Mr. Y.P. Sood, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/ State.

Mr. Anil Chauhan, Advocate, for respondent No.2.

CMP No.12564/2023 in CWP No.3067/2022 By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of applicant/respondent No.2 for deletion of name of the Municipal Corporation, Shimla from the array of respondent and to add Shimla Jal Prabandhan Nigam Limited (SJPNL) as respondent in the case at hand.

No reply is intended to be filed in the instant application.

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It is averred in the instant application that work of sewerage and water distribution has been assigned to Shimla Jal Prabandhan Nigam Limited (SJPNL) and as such, (SJPNL) is also required to be impleaded as party-

respondent No.3.

r to For the reasons stated in the application, the same is allowed and (SJPNL) is ordered to be impleaded as party-respondent No.3.

Application stands disposed of.

Issue notice to newly impleaded (SJPNL)-

respondent No.3, returnable for 13.10.2023, on taking steps within a period of two days.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Chet Ram vs. State of H.P. and another 20.09.2023 Present: Mr. G.D. Verma, Senior Advocate with Mr. Hitesh Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondent/ State.

An application for sending the matter for mediation, is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order. List thereafter.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Jai Singh vs. Savitri Devi 20.09.2023 Present: Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Amita Chandel, Advocate, for the appellants.

Ms. Shruti Thakur, Advocate, for the respondents.

r At the request of learned counsel representing the parties, list after two weeks.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Charan Dass vs. Om Parkash 20.09.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Sat Parkash, Advocate, for the respondent.

r Learned counsel representing the respondent prays for and is granted two weeks' time to file Power of Attorney as well as reply. List thereafter.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Sarup Gir vs. Narain Swarup 20.09.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Ajay Thakur, Advocate, for the appellant.

Ms. Divya Pathania, Advocate, for respondents No.1, 3(a) to 3(e).

None for respondent No.2, though served.

FAO No.158 of 2023 & CMP No.9063 of 2023 Learned counsel representing respondents No.1, 3(a) to 3(e), prays for and is granted four weeks' time to file Power of Attorney as well as reply to the stay application.

Though, respondent No.2, has been served, but he has not chosen to come present and as such, he is ordered to be proceeded against ex parte.

List after four weeks.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Sarup Gir vs. Narain Swarup 20.09.2023 Present: Mr. Ajay Sharma,Senior Advocate with Mr. Ajay Thakur, Advocate, for the appellant.

Ms. Divya Pathania, Advocate, for respondents No.1, 3(a) to 3(e).

None for respondent No.2, though served.

FAO No.157 of 2023 & CMP No.9060 of 2023 Learned counsel representing respondents No.1, 3(a) to 3(e), prays for and is granted four weeks' time to file Power of Attorney as well as reply to the stay application.

Though, respondent No.2, has been served, but he has not chosen to come present and as such, he is ordered to be proceeded against ex parte.

List after four weeks.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Manoj Joshi vs. Bhajan Dev Negi 20.09.2023 Present: Mr. Bimal Gupta,Senior Advocate with Mr. Varun Thakur, Advocate, for the petitioner.

Mr. Vikrant Thakur, Advocate, for the respondent.

Respondent present in person.

Pursuant to bailable warrants issued on 19.08.2023, respondent, Bhajan Dev Negi, has come present. He states that he remained under impression that he shall be represented by the Government Counsel and as such, on the last date of hearing, he failed to put in appearance. Now, Mr. Vikrant Thakur, Advocate, has put in appearance on behalf of the aforesaid respondent. He prays for and is granted four weeks' time to file reply/affidavit.

List on 20.10.2023, on which date, respondent need not to come present in the Court.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Shivendra Singh & others vs. State of H.P. & Ors.

20.09.2023 Present: Mr. Devan Khanna, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. r Verma, Additional Advocates General, for respondents No.2 & 4/ the State.

Ms.Rita Thakur,Advocate vice Mr. Naresh K. Gupta, Advocate, for respondent No.3.

Mr.Ashok K. Tyagi, Advocate, for the applicant in CMP No.7682 of 2023.

Mr. Praveen Sharma, Advocate, for respondent No.5.

CWP No.2874/2023 & CMP Nos.7682 & 6648/ While placing on record the Office Order dated 16.09.2023, passed by Commissioner, Municipal Corporation, Shimla, learned counsel for the petitioner states that demolition order of unauthorized construction stands already passed by the Competent Authority. He further states that for implementation of order, Committee of Officers has been constituted with a direction to demolish the existing structure done with brick work, steel frame structure and CGI sheets measuring area 14.03 Sqm at Kanlog Cemetery, near Bye Pass Road Kanlog, Shimla, on or before 26/27.09.2023.

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In view of the above, list this matter on 04.10.2023, on or before which date, compliance affidavit with regard to demolition shall be filed.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Takshila Private Industrial Training Institute & Ors. vs. State of H.P. & Ors.

20.09.2023 Present: Mr. Aman Parth Sharma, Advocate, for the petitioner.

r to Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 & 2/ the State.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.3.

Further one week's time, as prayed is granted to the respondents/State to file reply. In the meantime, learned Additional Advocate General may have instructions whether in terms of the amicable settlement, if any, arrived inter se parties, fresh notification, thereby levying revised fee,

has been issued or not.

List on 12.10.2023.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Prabhat Kumar vs. Pushpa Devi 20.09.2023 Present: Mr. K.D. Sood, Senior Advocate with Mr. Het Ram Thakur, Advocate for the petitioner.

Mr. Neeraj Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate, for the respondent.

An application for placing on record the additional documents is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order. Since copy of the same stands already received by learned counsel representing the non-

applicant/respondent, he prays for and is granted two weeks' time to file reply.

List on 06.10.2023.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Jhabe Ram vs. Kaushalya Devi CMPMO No.334 of 20.09.2023 Present: Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Amita Chandel, Advocate for the petitioner.

r No.1.

Mr. Madan Gopal, Advocate, for respondent CMPMO No.334 of 2023 & CMP No.8299 of Mr. Madan Gopal, learned counsel has filed memo of appearance on behalf respondent No.1. He prays for and is granted two weeks' time to file Power of Attorney as well as reply to the stay application.

Notice issued to respondent No.2 is still awaited.

Be awaited till the next date of hearing.

List on 12.10.2023.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Shri Dev Prashar Committee Bandhi vs. Shri Dev Prashar Temple CMPMO No.363 of 20.09.2023 Present: Mr. Paras Dhaulta, Advocate vice Mr. Sunil Mohan Goel, Advocate, for the petitioners.

Mr. Amita Chandel, Advocate, for respondents No.1 to 3.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the State.

CMPMO No.363 of 2023 & CMP No.8959 of Further two weeks' time, as prayed, is granted to file reply on behalf of respondents No.1 to 3 & 5. List thereafter.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Manish Kapoor vs. KSR Infracon Kit Ltd.

CMPMO No.413 of 20.09.2023 Present: Mr. Vivek Sharma, Advocate, for the petitioner.

r to CMPMO No.413 of 2023 & CMP No.10125 of Notice issued to sole respondent for today's date is still awaited.

Learned counsel for the petitioner prays for and is granted two days' time to take fresh steps for service of aforesaid respondent, enabling the Registry to issue notice, returnable within two weeks.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Yogesh Kumar vs. Adarsh Bala CMPMO No.445 of 20.09.2023 Present: Mr. Ajay Shrama, Senior Advocate with Mr. Ajay Thakur, Advocate, for the petitioners.

r 2023 CMPMO No.445 of 2023 & CMP No.10609 of Notice issued to sole respondent for today's date has been received back unserved for want of correct address.

Learned counsel for the petitioners prays for and is granted two days' time to file correct address enabling the Registry to issue notice to the sole respondent, returnable within two weeks.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Sandeep Kashyap vs. State of H.P. 20.09.2023 Present: Ms. Ritu Singh, Advocate vice Mr. Divya Raj Singh, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r State.

Mr. Arun Kaushal, Advocate, for respondent No.6.

Since on account of bereavement in the family, learned counsel representing the petitioner was unable to come present, prayer has been made on his behalf for adjournment. Prayer allowed, as not opposed.

List on 09.10.2023.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Rani Kaur vs. State of H.P. 20.09.2023 Present: Mr. Ajay Shrama, Senior Advocate with Mr. Ajay Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r State.

Admit.

List for hearing in due course.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Aditya Sharma vs. State of H.P. 20.09.2023 Present: Mr. Onkar Jairath, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.1 & 2/State.

Mr. Vikrant Thakur, Advocate, for respondent r No.3.

Rejoinder to the reply filed on behalf of respondents No.1 & 2 stands filed.

Reply on behalf of respondent No.3 not filed.

Learned counsel representing respondent No.3 states that since record with regard to selection of the petitioner is with OSD, H.P. Staff Selection Commission, Hamirpur, reply could not be filed.

In view of the above, on the oral request of the learned counsel representing the petitioner, OSD, H.P. Staff Selection Commission, Hamirpur is made a party.

Mr. Sanjeev Kumar Motta, learned counsel, appears and waives notice on behalf of newly impleaded respondent-OSD, HP. Staff Selection Commission, Hamirpur.

He prays for and is granted four weeks' time to file reply.

Registry is directed to carry out necessary correction on the memo of the parties, on the basis of amended memo of parties to be filed by learned counsel for the petitioner within a period of one week.

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List after four weeks.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Dhirmal Vs. State of H.P. 20.09.2023 Present: Mr. Pawan K. Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.1 to 5.

Mr. Mohan Sharma, Advocate, for respondents r No.6 and 7.

CWP No.2039 of 2023 & CMP No.4029 of 2023 Replies on behalf of respondents No.1 to 5 are stated to have been filed, but the same are not on record.

Registry to trace and place the same on record, if in order.

Learned counsel for the petitioner prays for and is granted two weeks' time to file rejoinder to the aforesaid replies filed on behalf of respondents No.1 to 5. In the meantime, respondents No.6 & 7 may also file reply, if any.

Interim order to continue till the next date of hearing.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

H.P. Housing & Urban Development Authority Vs. Pushpa Devi and others 20.09.2023 Present: Mr. Susheel Gautam, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondent No.22.

Further four weeks' time, as prayed, is granted to learned Additional Advocate General to file reply on behalf of newly impleaded respondent No.22, failing which, he shall remain present in the Court, on the next date of hearing.

List on 20.10.2023.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Chandresh Bhardwaj vs. State a/w connected matters CWP No.2765 of 2023 with CWP Nos. 7181 of 2021, 739 of 2023 and 770 of 2023 20.09.2023 Present: Mr. Tijender Singh, Mr. N.D. Sharma and Mr. Prashant Sharma, Advocate, for the petitioner(s).

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. r Verma, Additional Advocates General, for the respondent/State.

Mr. Mukul Sood, Advocate, for respondent- Municipal Corporation.

Mr. Jeevesh Sharma, Advocate, for the respondent-HIMUDA.

Further two weeks' time, as prayed, is granted to file rejoinder to the replies filed on behalf of respondents No.2,3 and 5 as well as reply on behalf of respondents No.1 & 4. List thereafter.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Uttam Singh Kaushal vs. State of H.P. & others CWP No.2841 of 20.09.2023 Present: Mr. Parav Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/State.

Further four weeks' time, as prayed, is granted to file reply on behalf of the respondents. List thereafter.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Maa Saraswati Educational Trust & Anr. Vs. UOI CWP No.3219 of 20.09.2023 Present: Mr. Pranav Sharma, Advocate, for the petitioner.

r to Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1/UOI.

Ms. Sneh Bhimta, Advocate, for respondent No.2.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the State.

CWP No.3219/2023 & CMP No.6364/2023 Reply on behalf of respondent No.1 is on record.

Learned counsel for the petitioners prays for and is granted last opportunity of two weeks' to file rejoinder. In the meantime, replies, if any, on behalf of respondents No.2 & 3 be also filed.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Komal Sharma & Anr. vs. Union of India & Ors.

CWP No.3365 of 20.09.2023 Present: Mr. Rakesh Thakur, Advocate, for the petitioners.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1.

Ms. Sneh Bhimta, Advocate, for respondent r No.2.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents No.3 & 4/ State.

Learned DSGI, states that he does not intend to file any reply on behalf of respondent No.1 and as such, right to file the same is closed.

Learned counsel for respondent No.2 and learned Additional Advocate General pray for and are granted last opportunity of two weeks to file reply on behalf of respondent No.2 and respondents No.3 & 4, respectively.

Issue notice to respondent No.5, returnable for 11.10.2023, on taking steps within a period of two days.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Chhunki Devi vs. State of H.P. CWP No.3961 of 20.09.2023 Present: Mr. Mohar Singh, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r respondents/State.

Mr. Prashant Sharma, Advocate, for respondent No.8.

By way of instant application filed under Order 1 Rule 10 CPC, prayer has been made on behalf of the applicant/proposed respondent for his impleadment as respondent No.8.

No reply is intended to be filed to the present application on behalf of the non-applicants/petitioners.

For the reasons stated in the application, the same is allowed and the applicant/proposed respondent, H.P. State Civil Supplies Corporation, Ltd. is impleaded as a party-respondent No.8. through its Managing Director.

Application stands disposed of.

For the reasons stated in the application, the same is allowed and name of respondent No.7, i.e. District Controller, Food & Civil Supplies and Consumer Affairs, Chamba, District Chamba, H.P. is ordered to be deleted from .

the array of the parties. Registry is directed to carry out the necessary correction in the memo of parties on the basis of amended memo of parties to be filed by learned counsel for the petitioners within a week.

r to Application stands disposed of.

Mr. Prashant Sharma, learned counsel, appears and waives service of notice on behalf of respondent No.8.

He prays for and is granted four weeks' time to file reply. In the meantime, replies by respondents/State, as prayed be also filed.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Feraj Ram vs. State of H.P. CWP No.4181 of 20.09.2023 Present: Mr. Parav Sharma, Advocate, for the petitioners.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the r State.

Mr. Mukul Sood, Advocate, for respondent No.3.

CWP No.4181 of 2023 & CMP No.7969 of 2023 Rejoinder to the reply(s) filed by respondents No. 1 to 3, is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order. List thereafter.

Interim order to continue.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Amrit Lal vs. NHAI CWP No.4217 of 20.09.2023 Present: Mr. J.L. Bhardwaj, Senior Advocate with Mr. Sanjay Bhardwaj, Advocate, for the petitioners.

r to Ms. Shreya Chauhan, Advocate, for respondent No.1/NHAI.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.2/ State.

Reply filed on behalf of respondent No.1, is on record.

Reply on behalf of respondent No.2, has not been filed. Last opportunity of two weeks, as prayed, is granted to file reply on behalf of aforesaid respondent No.2, failing which, aforesaid authority shall remain present in the Court, on the next date of hearing.

List on 13.10.2023.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Techyon Biotech vs. State of H.P. CWP No.4721 of 20.09.2023 Present: Mr. Anubhav Chopra, Advocate, for the petitioner.

Ms. Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the State.

Madhurika Sekhon, Advocate, for respondent No.3.

Last opportunity of three weeks, as prayed, is granted to the respondents to file reply, failing which, right to file the same shall stand closed.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Kamla Devi vs. State of H.P. and others CWP No.4941 of 20.09.2023 Present: Mr. Raj Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents/State.

CWP No.4941 of 2023 & CMP No. 9637 of Further four weeks' time, as prayed, is granted to the respondents to file reply. List thereafter.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Kulwant v. Shakuntala CWP No.5253 of 20.09.2023 Present: Ms. Neha Thakur, Advocate vice Mr. Kulwant Singh Gill, Advocate, for the petitioner.

Mr. Sameer Thakur, Advocate, for respondents No.1 to 4.

CWP No.5253 of 2023 & CMP No.10183 of Mr. Sameer Thakur, learned counsel has filed memo of appearance on behalf of respondents No.1 to 4.

He prays for and is granted four weeks' time to file Power of Attorney as well as reply. on behalf of aforesaid respondents.

stands duly served, but none has chosen to come present on their behalf and as such, they are ordered to be proceeded against ex parte.

Respondents No. 23, 28 and 34 are reported to be dead. Learned counsel for the petitioner prays for and is granted four weeks' time to file appropriate application for bringing on record the legal representatives, if any, of the aforesaid deceased respondents.

Notices issued to respondents No. 5 to 8, 10 to 22, 25 to 27, 30, 31, 35 to 42 have been received back unserved for want of correct addresses. Learned counsel for the petitioner prays for and is granted one week's time to .

furnish correct addresses of aforesaid respondents, enabling the Registry to issue notices to them, returnable for 17.10.2023.

20th September, 2023
(reena)

to

(Sandeep Sharma)
Judge

Vidhmata Wood Pvt. Ltd.vs. State of H.P. CWP No.1714 of 20.09.2023 Present: Ms.Divyani Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the petitioner.

r to Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents/State.

List on 21.09.2023.

(Sandeep Sharma) Judge 20th September, 2023 (reena) .

Ravinder Kumar vs. State of H.P. & Ors.

CMP No.4083 of 2023 in CWP No.2171 of 2017 19.09.2023 Present: Mr. Sanjeev Kumar Suri, Advocate, for the applicant/petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for r respondents/State.

Mr. Vivek Sharma, Advocate, for respondents No.4 to 6.

By way of instant application filed under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/petitioner for condonation of delay in filing the accompany application bearing CMP No.4083 of 2023.

Having perused the averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that delay in maintaining the accompanying application is neither intentional nor deliberate, rather owing to the circumstances, which were completely beyond the control of the applicant/petitioner and as such, delay in filing the accompanying application, which in my considered view has been sufficiently explained, is condoned. Application stands disposed of.

By way of instant application filed under Order 9 Rule 4 read with Section 151 CPC prayer has been made for setting aside the order dated 16.11.2022, whereby main .

petition bearing CWP No.2171 of 2017 having been filed by the applicant/petitioner came to be dismissed in default.

Prayer made in the instant application has been opposed by the non-applicants/respondents on the ground that no proper explanation has been rendered on record qua non-appearance on the given date. However, having perused the averments made in the application, which is duly supported by an affidavit, this Court finds that on 16.11.2022, name of Mr. Sanjeev Suri, Advocate, was not reflected in the cause list and as such, he was unable to put in appearance.

On 16.11.2022, name of Ms. Rachna Sharma, Advocate, was reflected in the cause list on behalf of the petitioner, but since aforesaid Advocate was not in active practice, she also failed to put in appearance. However, after having discovered aforesaid omission on the part of the counsel engaged by the applicant/petitioner, Mr. Sanjeev Suri, Advocate, filed application at hand praying therein for setting aside the ex parte order and restoration of main petition bearing CWP No.2171 of 2017.

After being satisfied that absence by learned counsel for the petitioner on 16.11.2022 was not intentional, rather on account of non-reflection of his name in the cause list, this Court sees no impediment in accepting the instant application, hence, the same is allowed and order dated 16.11.2022, whereby petition having been filed by the .

petitioner was dismissed in default, is recalled and civil writ petition is ordered to be restored to its original number.

Application stands disposed of .

filed.

r to Reply on behalf of respondents No.1 to 3 stands Rejoinder, if any, as prayed, be filed within four weeks. In the meantime, respondent No.4, may also file reply, if any, failing which, right to file the same shall stand closed.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Himachal Pradesh Power Corporation Ltd. vs. Deepan Devi 19.09.2023 Present: Mr. Vivek Negi, Advocate, for the appellant.

Mr. Ranvir Chauhan, Advocate, for respondents No.1 to 3.

Mr. Abhishek Dulta, Advocate, for the applicants r in CMP No.2575 of 2023.

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of applicants No.1 to 12 for issuing direction to non-applicants/appellants to deposit the compensation along with interest and other statutory benefits under the Act as per shares of applicants/appellants in the acquired land.

Pursuant to the notice issued in the instant proceedings, non-applicants/appellants have filed reply, wherein, prayer made in the application has been opposed on the ground that applicants neither filed proceedings under Section 28-A of the Land Acquisition Act for enhancement nor filed the Reference Petition under Section 18 of the Act and as such, they are not entitled to the relief, as has been prayed in the instant application. Besides above, it has been further stated in the reply that after disposal of the RFA No.256 of 2017, wherein, present application has been filed, .

this Court has become functus officio and as such, is not competent to entertain the instant application.

Having heard learned counsel representing the parties and perused the material available on record, this r to Court finds that land of the applicants also came to be utilized by the non-applicants/appellants for construction of Sawra Kuddu Hydro Electric Project. On account of acquisition of land applicants though were granted compensation, but admittedly, they neither filed Reference under Section 18 of the Land Acquisition Act nor petition, if any, under Section 28-A of the Act for enhancement, but now after disposal of the appeal bearing RFA No.256 of 2017 having been filed by the non-applicants/appellants, wherein, amount awarded by the Land Acquisition Collector came to be enhanced in certain cases, applicants being similar situate to other land owners have approached this Court in the instant application, seeking therein direction to the non-

applicants/appellants to deposit the enhanced amount qua the land of them. Though, it has been vehemently argued by Mr. Vivek Negi, learned counsel representing the non-

applicants/appellants that present application is not maintainable, but this Court finds that a similar issue came to be adjudicated in case titled LAC, HPSEB vs. Lata & Ors. in RFA No.455 of 2019, wherein Court concerned while dealing with the similar applications bearing CMP Nos. 8378,

8379,9238 and 10478 of 2020, held that applicants being similar situate to the land owners, who have been granted enhanced compensation, are entitled for compensation and enhanced rates with all statutory benefits.

"3.

Relevant paras of the aforesaid judgment are extracted hereinbelow:-

After disposal of main appeal, land owners have filed an application being CMP No.8378 of 2020 seeking direction to the appellants to deposit deficit amount of compensation, as according to them, appellants have not deposited entire amount of compensation for the land acquired in present case.

4. An application being CMP No.8379 of 2020 has also been filed by the landowners for release of amount of compensation in their favour on the ground that all of them are co-

owners of the land in reference in present case.

5. In aforesaid applications those co-owners are also applicants who had neither preferred Reference Petitions under Section 18 of the Act nor a petition/application under Section 28- A of the Act.

6. The aforesaid applications have been contested by the appellants and prayer seeking direction to deposit deficit amount and also to release amount in favour of those landowners also, who had not preferred Reference Petition under Section 18 of the Act, has been opposed, on the ground that the respondents-landowners, who were petitioners before the 7 Reference Court, only are entitled to the compensation qua their respective share to the extent of 53/128 share out of total land measuring 2605 centiare, inasmuch as they are only entitled to the compensation with respect to 1078.63 centiare .

and further that those, who had not preferred Reference Petition, have no competence to maintain the application for release of amount of compensation for their shares in the land in question.

7. Learned counsel for the landowners referring judgments pronounced by the Supreme Court in A. Viswanatha Pillai and others vs. Special Tahsildar for Land Acquisition No.IV and others, AIR 1991 SC 1966; Jalandhar Improvement Trust vs. State of Punjab and others, AIR 2003 SC 620, and judgments passed by Single Benches of this Court in Dinesh Kumar & Ors. Vs. State of Himachal Pradesh & Anr., AIR 2012 Himachal Pradesh 68;

and Lesru Ram (deceased) through LR's Kalu Devi and others vs. Collector Land Acquisition NHPC and another, 2018 (4) Him. L.R. (HC) 2336, has contended that every co-owner, irrespective of the fact whether he has preferred Land Reference Petition or not, is entitled for compensation of the acquired land equal to the other co-owners of the land.

8. The Supreme Court in A. Viswanatha Pillai's case, has held as under:-

"2. The sole question for decision is whether in a reference sought for by one of the co-owners whether the other co- owners, who did not expressly seek reference are entitled to enhanced compensation pro rata as per their shares. It is not in dispute that under the partition deed, the four brothers as coparceners kept in common the acquired property and Venkatachalam was in management thereof and each are entitled to 1/4 share in the ancient Anicut and the irrigation system.It is true that Viswanathan and Pasupathy made such request in respect of two awards and Sabhapathy did not make any request for reference against any of the awards. But what would be the consequence in laws is the question. It is surprising that the State having acquired the property of a citizen would take technical objections regarding .

the entitlement of the claim. The State certainly is right and entitled to resist claim for enhancement and lead evidence in rebuttal to prove the prevailing price as on the date of notification and ask the court to determine the correct market value of the lands acquired compulsorily under the Act.

But as regards the persons entitled to receive compensation are concerned it has no role to play.It is settled law that one of the co-

owners can file a suit and recover the property against strangers and the decree would enure to all the coowners. It is equally settled law that no co-owner has a definite right, title and interest in any particular item or a portion thereof. On the other hand he has right, title and interest in every part and parcel of the joint property or coparcenary under Hindu Law by all the coparceners. In Kanta Goel vs. B.P. Pathak, (1977) 3 SCR 412 : (AIR 1977 SC 1599), this Court upheld an application by one of the co-owners for eviction of a tenant for personal occupation of the co-

owners as being maintainable. The same view was reiterated in Sri Ram Pasricha v. Jagannath, (1977) 1 SCR 395 : (AIR 1976 SC 2335) and (1989) 1 SCR 67 : (AIR 1989 SC 758). A co-owner is as much an owner of the entire property as a sole owner of the property. It is not correct to say that a co-owner's property was not its own. He owns several parts of the composite property alongwith others and it cannot be said that he is only a part owner or a fractional owner in the property. That position will undergo a change only when partition takes place and division was effected by metes and bounds. Therefore, a coowner of the property is an owner of the property acquired but entitled to receive compensation pro rata. The State would plead no waiver nor omission by other co-owners to seek reference nor disentitle them to an award to the extent of their legal entitlement when in law

they are entitled to."

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9. In Jalandhar Improvement Trust's case, the Supreme Court, referring Viswanatha Pillai's case, has held as under:-

"5. Having regard to the view we propose to take and the manner of disposal intended to be given, it is unnecessary for us to even advert to the relevance or applicability of Section 28-A of the Act to the case of the nature before us. The 4th respondent indisputably is a co-owner along with her children who were added as petitioners 2 to 5 to the award dated 5-2- 1986, in which case, even on the first principles of law one co-owner is entitled to have the benefit of the enhanced compensation given in respect of the other coowners in a reference made at his instance in respect of the land acquired, which belonged to all of them, jointly. So far as the fact that in this case the 4th respondent's application for reference under Section 18 was rejected by the Tribunal ultimately on the ground that the reference was made on a belated application, does not make any difference and, is no reason, in our view, to differentiate the 10 claims of such co- owners whose claims came to be really sustained and that of the 4th respondent, for differential treatment. We are fortified to some extent in the view expressed above, by the principles laid down by this Court in the decision reported in (AIR 1991 Supreme Court P. 1966), A. Vishwanth Pillai & Ors. V. Special Tehsildar for Land Acquisition."

10. In similar situation, in Dinesh Kumar's case, an application filed by co-owner under Section 146 CPC, who had not filed Reference Petition or application under Section 28-A of the Act, for grant of compensation to the extent of their shares by enforcing the award passed in .

favour of other co-owners was dismissed by learned District Judge and the dismissal of the application was assailed in this High Court. This Court, after taking into consideration judgments passed by the Supreme Court in A.Viswanatha Pillai's and Jalandhar Improvement Trust's cases, has set aside the order of dismissal passed by the District Judge by holding that co- owners were entitled for enhanced pro rata compensation alongwith interest and other statutory benefits such as solatium etc. under the Act, according to their share in the acquired land, by observing as under:-

"9. Thus, it is more than clear that even a co-sharer who has not sought reference to the court is entitled for enhanced compensation pro rata in accordance with his share in the acquired land.

.....

11. Thus, it is manifest that the claim for enhanced compensation by a co-owner at par with other co-owners in whose favour an award has been 11 passed is based on his own right as a co-owner irrespective of any claim for re- determination of the amount of compensation on the basis of award

of the court under Section 28-A of the Act."

11. Similar view has been taken by another Coordinate Bench of this Court in Lesru Ram's case supra, 2018 (4) Him. L.R. (HC) 2336.

12. In the light of aforesaid settled exposition of law, plea of the appellants that they are liable to pay enhanced compensation with respect to share of only those landowners who had preferred Reference Petitions and other co- owners of the same land are not entitled for enhanced compensation, is not tenable and, thus, rejected and all co-owners, irrespective of fact that they have neither preferred Reference Petitions nor filed application under Section 28- .

A of the Act, are entitled for enhanced pro rata compensation alongwith all statutory benefits like other co-owners who had preferred Reference Petitions or have been awarded compensation under Section 28-A of the Act, according to their right in the acquired property on the basis of their share.

13. Therefore, CMP No.8378 of 2020 is allowed. Appellants are directed to deposit the amount of compensation for the entire land acquired, in reference in present case alongwith all consequential statutory benefits in the Registry of this Court within eight weeks from today, so that each and every co-owner can have amount of compensation as per his entitlement on equal footings like other co-owners."

It is quite apparent from the aforesaid order passed by Coordinate Bench that prayer made on behalf of the applicants for issuing direction to the non-

applicants/appellants to pay enhanced compensation with respect to the land used for construction of Power Project, deserves to be allowed. It is not open at this stage, for the non-applicants/appellants to claim that they are liable to pay enhanced compensation in respect of only those land owners, who have preferred reference petition. In all, the judgment passed by the Hon'ble Apex Court, which have been taken note by Coordinate Bench of this Court while passing the aforesaid order, it has been categorically held that co-owners are entitled for enhanced pro rata compensation alongwith interest and other statutory benefits such as solatium etc. under the Act, according to their shares .

in the acquired land. Mere non filing of the Reference Petition under Section 18 and the petition, if any, under Section 28-A of the Act for enhancement, may not be a ground to deny the aforesaid due and admissible benefits to the applicants, who admittedly alongwith other land owners made available their land for construction of Power Project.

Since similar situate persons have been already granted enhanced amount of compensation, such benefit cannot be denied to the applicants for their having not filed separate proceedings under Section 18 and 20-A of the Act.

Consequently in view of the aforesaid discussion as well as law taken into consideration, the present application is allowed and non-applicants/appellants are directed to deposit the enhanced amount

of compensation for the entire land acquired alongwith consequential statutory benefits in terms of the judgment passed by Coordinate Bench of this Court in RFA No. 256 of 2017, decided on 28.12.2019, in the Registry of this Court within a period of eight weeks, whereafter applicants may file application, if any, for release of the same.

Application stands disposed of.

(Sandeep Sharma) Judge 19th September, 2023 .

(reena)

r to

Loktantra Senani Sangh Himachal Pradesh vs. State of H.P. and another CWP No.3468 of 19.09.2023 Present: Mr. Ajay Vaidya, Advocate, for the petitioner.

r to Mr.Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondents/State.

At the request of learned Additional Advocate General, list on 27.09.2023.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

M/s Sandhar Technologies Ltd. vs. State of H.P. CWP No.4045 of 19.09.2023 Present: Mr. Sunil Mohan Goel, Advocate, for the petitioner.

r to Mr.Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent/State.

At the request of learned Additional Advocate General, list on 28.09.2023.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

M/s Brillon Consumer vs. Shiv Onkar CWP No.5041 of 19.09.2023 Present: Mr. Ajay Kumar, Senior Advocate with Mr. Naresh K. Gupta, Advocate, for the petitioner.

r to Mr. Rahul Mahajan, Advocate, for respondents No.1 to 74.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.75.

Replies are stated to have been filed, but the same are not on record. Registry to trace and place the same on record, if in order. Since copy of the replies stand already received by learned counsel representing the petitioner, he prays for and is granted two weeks' time to file rejoinder.

List on 05.10.2023. Till then, interim order to continue.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Smt. Ranju Bala vs. State of H.P. and others CWP No.5282 of 19.09.2023 Present: Mr. Divya Raj Singh, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent-State.

Mr. Naresh K. Verma, Advocate, for respondent No.2.

Mr. Rohit, Advocate, for respondent No.3.

Mr. Onkar Jairath, Advocate, for respondent No.4.

Learned counsel representing respondent No.3 prays for and is granted four weeks' time to file Power of Attorney as well as reply to the petition. In the meantime, respondents No.1,2 & 4 may also file reply, if not already filed.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Lt. Col. Rajpal Singh vs. Union of India and others CWP No.5594 of 19.09.2023 Present: Mr. Amit Kumar Dhumal, Advocate, for the petitioner.

r to Mr. Balram Sharma, Assistant Solicitor General of India, for respondent No.1.

Mr. Rahul Mahajan, Advocate, for respondents No.2 & 3.

Respondent No.4 present in person.

Respondent No.4, has come present in person.

She prays for and is granted two weeks' time to engage lawyer on her behalf as well as to file reply to the petition.

Learned counsel representing respondents No.2 & 3 also states that reply shall be positively filed within a period of one week.

No reply is intended to be filed on behalf of respondent No.1 and as such, right to file the same stands closed .

List on 13.10.2023. In the meantime, reply by respondents No.2 & 3 and respondent No.4, as prayed, be also filed.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Vijay Kumari vs. The State of H.P. and others CWP No.5662 of 19.09.2023 Present: Mr. Nishant Khidtta, Advocate, for the petitioners.

r to Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents-State.

Further three weeks' time, as prayed, is granted to the respondents to file reply, failing which, right to file the same shall stand closed.

List on 13.10.2023, on which date, respondent No.3, shall remain present in the Court.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Ram Lal Thakur vs. Executive Engineer and connected matters Execution Petition Nos.4-6 of 19.09.2023 Present: Mr. I.S. Chandel, Advocate, for the petitioner/DH.

r to Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondents/Judgment Debtors.

Though having perused the fresh calculations placed on record by the respondents/Judgment Debtors, this Court finds that amount strictly in terms of the award passed by learned Arbitrator, has been remitted to the bank account of the petitioner/DH, but there appears to be merit in the contention of learned counsel representing the petitioner/DH that Decree Holder is also entitled to the future interest @ 18% per annum on the sum directed to be paid by an arbitral award as per provisions contained in Section 31(7)(b) of the Arbitration and Conciliation Act, 1996. To substantiate aforesaid plea, learned counsel representing the petitioner/DH invited attention of this Court to the judgment passed by this Court in Execution Petition No.16 of 2016, titled M/s Sai Engineering Foundation vs. HPSEB, decided on 13.06.2018.

Learned Additional Advocate General prays for and is granted two weeks' time to go through the aforesaid judgment.

List on 13.10.2023.

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(Sandeep Sharma)
Judge

19th September, 2023
(reena)

r to

Kartik Katwal vs H.P. Hosting & Urban Development Authority & Ors.

19.09.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Rajesh Kumar, Advocate, for the petitioner.

r Mr. Amit to Singh respondent No.1.

Chandel, Advocate, Mr. Sanjeev K. Motta, Advocate, for respondent No.2.

for Mr. Abhishek Raj, Advocate, for respondent No.3.

Arguments heard. Judgment reserved.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

M/s Nibaana vs. M/s Anandini & Ors.

19.09.2023 Present: Mr. Ashwani Talwar, Advocate, for the petitioner.

Mr. Janesh Gupta, Advocate, for the respondents.

Last opportunity of two weeks', as prayed, is granted to the respondents to file reply, failing which, right to file the same shall stand closed.

List on 05.10.2023.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Prakash Chaudhary vs. Inder Singh 19.09.2023 Present: Mr. Dibender Ghosh, Advocate, for the petitioner.

Mr. Ashok Sharma, Senior Advocate with Ms. Anubhuti Sharma, Advocate, for respondent No.1.

Respondents No.2 to 6, ex parte.

Mr. Ankush Dass Sood, Senior Advocate with Mr. Rakesh Kumar, Advocate, for respondents No.7 to 9.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent No.9.

El. Petition No.3 of 2023 & EMP Nos. 5 & 17 of Reply to the application bearing EMP No.5 of 2023, is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order.

Written statement on behalf of defendants No.7 & 8 has not been filed. Replication to written statement filed on behalf of defendant No.9 has also not been filed. Written statement on behalf of defendants No.7 & 8 as well as replication, as prayed, be filed on or before the next date of hearing.

List on 06.11.2023.

(Sandeep Sharma) Judge .

19th September, 2023

(reena)

r to

SML Ltd. vs. Mohan & Company and another 19.09.2023 Present: Mr. Ashok Aggarwal, Senior Advocate with Dr. Sanjay Kumar, Ms.Arпита Sawhney, Mr. Atul Jhingan and Mr. Priyansh Sharma, Advocates, for the plaintiff.

Mr. Rajesh Kashyap, Advocate, for defendant No.1.

Ms. Shradha Karol, Advocate, for defendant No.2.

COMS No.6 of 2023 & OMP Nos. 320, 321, 322, 323 & 328 of 2023 Learned counsel for the defendants pray for and are granted four weeks' time to file written statement to the main suit as well as Reply(s) to the applications.

List on 15.12.2023.

In the meantime, interim order to continue.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

SML Ltd. vs. Mohan & Company and another 19.09.2023 Present: Mr. Ashok Aggarwal, Senior Advocate with Dr. Sanjay Kumar, Ms.Arпита Sawhney, Mr. Atul Jhingan and Mr. Priyansh Sharma, Advocates, for the plaintiff.

Mr. Rajesh Kashyap, Advocate, for defendant No.1.

Ms. Shradha Karol, Advocate, for defendant No.2.

COMS No.7 of 2023 & OMP Nos. 324, 325, 326, 327 & 330 of 2023 Learned counsel for the defendants pray for and are granted four weeks' time to file written statement to the main suit as well as Reply(s) to the applications.

List on 15.12.2023.

In the meantime, interim order to continue.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Boehringer Ingelheim International GMBH and another vs. Eris Lifesciences Limited 19.09.2023
Present: Mr. Ashok Aggarwal, Senior Advocate with Dr. Sanjay Kumar, Ms.Arпита Sawhney, Mr. Atul Jhingan and Mr. Priyansh Sharma, Advocates, for the plaintiffs.

Mr. C.M. Lal, Senior Advocate with Mr. Nitin r Thakur, Ms. Shradha Karol, Ms. Abhineeta Chaturvedi and Mr. Bitika Sharma, Advocates, for the defendant.

and 413 of 2023 Learned counsel for the defendant prays for and is granted four weeks' time to file written statement to the main suit as well as Reply(s) to the applications.

List on 15.12.2023.

In the meantime, interim order dated 08.09.2023 to continue.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Boehringer Ingelheim International GMBH and another vs. Eris Lifesciences Limited 19.09.2023
Present: Mr. Ashok Aggarwal, Senior Advocate with Dr. Sanjay Kumar, Ms.Arпита Sawhney, Mr. Atul Jhingan and Mr. Priyansh Sharma, Advocates, for the plaintiffs.

Mr. C.M. Lal, Senior Advocate with Mr. Nitin r Thakur, Ms. Shradha Karol, Ms. Abhineeta Chaturvedi and Mr. Bitika Sharma, Advocates, for the defendant.

and 413 of 2023 Learned counsel for the defendant prays for and is granted four weeks' time to file written statement to the main suit as well as Reply(s) to the applications.

List on 15.12.2023.

In the meantime, interim order dated 08.09.2023 to continue.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Janssen Pharmaceuticals and others vs. Hetero Drugs Limited and others 19.09.2023 Present: Mr. Ashok Aggarwal, Senior Advocate with Dr. Sanjay Kumar, Ms.Arпита Sawhney, Mr. Atul Jhingan and Mr. Priyansh Sharma, Advocates, for the plaintiffs.

Mr. Anuj Gupta, Advocate, for defendants No.1 & r 2.

Mr. Sahil Thakur, Advocate, for defendant No.3.

COMS No.10 of 2023 & OMP Nos.414,415, 416, 417 and 418 of 2023.

Learned counsel for defendants No.1 & 2 and defendant No.3 pray for and are granted four weeks' time to file written statement to the main suit as well as Power of Attorney. Reply to the applications, as prayed, be also filed on or before the next date of hearing.

List on 15.12.2023.

In the meantime, interim order dated 08.09.2023 to continue.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

United India Insurance Company Ltd. vs. Smt. Banita & Ors.

19.09.2023 Present: Mr. Pritam Singh Chandel, Advocate, for the applicant/appellant.

r to By way of instant application filed under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/appellant for condonation of delay in filing the accompanying appeal, which is barred by 27 days.

Having perused the explanation rendered on record, this Court is convinced and satisfied that delay in maintaining the accompanying appeal is neither intentional nor deliberate, rather same has occurred on account of the lengthy administrative process and as such, delay of 27 days in filing the appeal, which in my considered view has been sufficiently explained, is condoned.

The application stands disposed of.

FAO No. _____2023 Be registered.

Admitted on substantial question of law Nos. 1 to 3, formulated at page Nos.12 & 13 of the paper book.

Post Admission Notice be issued to the respondents, returnable within four weeks, on taking steps within a period of one week. Record of courts below be called for.

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CMP No. _____2023 Be registered.

Careful perusal of the receipt dated 23.08.2023 clearly reveals that a sum of Rs. 22,46,414/-, has been deposited with the court below in term of Award dated 31.05.2023, passed by the Commissioner under Employees Compensation Act, Mandi, District Mandi, H.P. In view of the above, operation/execution of the impugned award dated 31.05.2023 in Petition No.259/2013, CIS CNR No.HPMA03000460213, titled Banita & Anr. vs. Hem Raj & another, passed by the Commissioner under Employees Compensation Act, Mandi, District Mandi, H.P., shall remain stayed.

Alteration/Vacation/Modification on motion.

Application stands disposed of.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

New India Assurance Company Ltd. vs. Smt. Usha Rani & ors.

19.09.2023 Present: Mr. Amit Himalvi, Advocate, for the applicant/appellant.

r to By way of instant application filed under Section 5 of the Limitation Act, prayer has been made on behalf of the applicant/appellant for condonation of delay in filing the accompanying appeal, which is barred by 76 days.

Having perused the explanation rendered on record, this Court is convinced and satisfied that delay in maintaining the accompanying appeal is neither intentional nor deliberate, rather same has occurred on account of the lengthy administrative process and as such, delay of 76 days in filing the appeal, which in my considered view has been sufficiently explained, is condoned.

The application stands disposed of.

FAO No. _____2023 Be registered.

Admit on the following substantial question of law:-

"Whether the learned Commissioner below has gravely erred in law in fastening liability with respect to the amount of penalty upon the appellant insurance company along with interest under Section 4-A(3)(a) & (b) of the Employees Compensation Act?"

.

Post Admission Notice be issued to the respondents, returnable within four weeks, on taking steps within a period of one week. Record of courts below be called for.

r to
CMP No. _____2023

Be registered.

Careful perusal of the receipt dated 02.06.2023 clearly reveals that a sum of Rs. 27,30,340/-, has been deposited with the court below in term of Award dated 05.01.2023 in case No.3/WCC/2010 titled Smt. Usha Rani & Ors. vs. Smt Anita Mittal & Another, passed by the Employees Compensation Commissioner, Court No.(1), Amb, District Una, H.P. In view of the above,

operation/execution of the impugned award dated 05.01.2023, passed by the Employees Compensation Commissioner, Court No.(1), Amb, District Una, H.P, shall remain stayed.

Alteration/Vacation/Modification on motion.

Application stands disposed of.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Arvind Malik vs. State of H.P. 19.09.2023 Present: Mr. Vinod Kumar Gupta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

At the request of learned counsel representing the petitioner, list on 28.09.2023.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Bir Chand vs. State of H.P. 19.09.2023 Present: Mr. Sative Chauhan, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

HC Pawan, Police Station Parwanoo, District r Solan, H.P., present with record.

Pursuant to order dated 05.09.2023, respondent-State has filed status report and HC Pawan, Police Station Parwanoo, District Solan, H.P, has also come present with record.

Learned counsel for the petitioner prays for and is granted four weeks' time to go through the same.

List on 20.10.2023.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Dharam Pal vs. State of H.P. 19.09.2023 Present: Mr. Ajay Kochhar, Senior Advocate with Mr. Vivek Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for the respondent/State.

ASI Ajmer Singh, Police Station Sadar, Mandi, District Mandi, present with record.

Pursuant to order dated 05.09.2023, respondent-State has filed status report and ASI Ajmer Singh, Police Station Sadar, Mandi, District Mandi has also come present with record.

Learned counsel for the petitioner prays for and is granted two weeks' time to go through the same.

List on 12.10.2023.

(Sandeep Sharma) Judge 19th September, 2023 (reena) .

Sant Ram vs. State of H.P. 21.07.2023 Present: Mr. H.C. Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondent/State.

List on 18.09.2023, as prayed for.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

M/s Ajay Kumar Sood Engineer & Contractors Partnership Firm vs. State of H.P. & Ors.

21.07.2023 Present: Mr. Sunil Mohan Goel, Advocate, for the petitioner.

r to Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

CWP No.3418 of 2023 & CMP No.6771 of 2023 Replies filed on behalf of respondents No.1 to 5 are on record.

Learned counsel representing the petitioner submits that he does not intend to file any rejoinder and as such, case be listed on 24.07.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Hari Krishan Bhardwaj & another vs. State of H.P. & others.

21.07.2023 Present: Mr. K.D. Sood,Senior Advocate with Mr. Sanjeev Sood and Rahul Gathania, Advocates, for the petitioners.

r to Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy to 6/State.

Mr. Lalit K. Sharma, Advocate, for respondent No.3.

CWP No.3941 of 2023 & CMP No.7462 of 2023 Mr. Lalit K. Sharma, learned counsel representing respondent No.3, states that he shall be filing status report, in terms of order dated 26.06.2023 in the Registry of this Court during the course of the day. He further states that pursuant to order dated 26.06.2023, public nuisance, as complained by the petitioner, has been cleared and at present, there is no obstruction in the flow of drainage water, however, such contention has been seriously disputed by learned counsel representing the petitioners.

Registry is directed to place on record status report, if any, filed enabling this Court to pass further orders.

Copy of status report may be made available to learned counsel representing opposite parties enabling them to render proper assistance to this Court, on the next date of hearing.

List on 07.08.2023.

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By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents for impleading them as respondents.

r to No reply is intended to be filed on behalf of non-

applicants/petitioners.

For the reasons stated in the application, the same is allowed and applicants are ordered to be impleaded as respondents-party. Registry to carry out necessary correct in the memo of parties on the basis of amended memo of parties to be filed by the counsel for the petitioner within a period of one week.

Application stands disposed of.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Dr. Ram Krishan & Anr. vs. State of H.P. and others 21.07.2023 Present: Mr. Shrawan Dogra, Senior Advocate with Mr. Suneet Goel, Advocate, for the petitioners.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1,3,4,5 r &6/State.

Ms. Shreya Chauhan, Advocate, for respondent No.6.

CWP No.3446 of 2023 & CMP No.6822 of 2023 Further three weeks' time as prayed for, is granted to the respondents to file replies.

List on 24.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Abhay Kumar vs. State of H.P. & Ors.

21.07.2023 Present: Mr. R.K. Gautam, Senior Advocate with Mr. Sahil Dixit, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 to 4/State.

Mr. Dinesh Thakur, Advocate, for respondents No.5 & 6.

CWP No.3442 of 2023 & CMP No.6815 of 2023 Further four weeks' time as prayed for, is granted to the respondents to file replies, failing which, right to file the same shall stand closed.

List on 08.09. 2023 alongwith CWP No.2182 of 2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Chaman Lal vs. State of H.P. 21.07.2023 Present: Mr. Gurdev Negi, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 to 4/State.

Mr. Nand Lal Chauhan, Advocate, for respondents No.5,7 to 12.

None for respondent No.6.

Mr. Tijender Singh, Advocate, for respondents No.13 to 15.

CWP No.3022 of 2023 & CMP No.5959 of 2023 Replies on behalf of respondents No.5 & 6 are stated to have been filed, but the same are not on record.

Registry to trace and place the same on record, if in order.

Learned Additional Advocate General submits that no reply is required to be filed on behalf of respondents No.1 to 4 and as such, right to file the same stand closed.

His statement is taken on record.

Mr. Nand Lal Chauhan and Mr. Tijender Singh, learned counsel, pray for and are granted three weeks' time to file replies on behalf of respondents No.5,7 to 12 and respondents No. 13 to 15,

respectively.

List on 22.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 .

(reena)

r to

Jyoti Parkash vs. NHAI and Ors.

21.07.2023 Present: Mr. Devender Sharma, Advocate, for the petitioner.

Mr. Sumit Raj, Advocate, for respondent No.1.

Mr. Sumit Raj, learned counsel, has put in appearance on behalf of respondent No.1, whereas, respondent No.2, though stands served, but has not chosen to come present in the Court, hence, it is ordered to be proceeded against ex parte.

Respondent No.3 is unserved for want of correct address.

Learned counsel representing the petitioner prays for and is granted one week's time to furnish correct address of respondent No.3, enabling the Registry to issue notice, returnable for 06.09.2023.

In the meantime, reply by respondent No.1, as prayed for, be also filed.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Pawan Kumar vs. State of H.P. 21.07.2023 Present: Mr. Kiran Lata Negi, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondents.

While placing on record the communication dated 17.03.2023, issued under the signatures of Additional Director General, Prisons & Correctional Services, H.P., Mr. Vishal Panwar, learned Additional Advocate General submits that petitioner while undergoing imprisonment at District & Open Air Jail Bilaspur (H.P.) violated the condition/provisions of Open Air Jail System and on the report of Inspector General of Police, Central Range Mandi, District Mandi (HP) dated 01.09.2022, the Open Air Jail facility of the petitioner was withdrawn by the Department and accordingly, he was transferred from District & Open Air Jail Bilaspur (HP) to Mode Central Jail Nahan, District Sirmour (HP) on administrative grounds in September, 2022.

Learned counsel representing the petitioner seeks time to have instructions.

List on 24.07.2023, as prayed for.

(Sandeep Sharma) Judge 21st July, 2023 .

(reena)

r to

Smt. Bharti Dogra vs. Sh. Gaurav Dogra 21.07.2023 Present: Mr. Amit Sharma, Advocate, for the petitioner.

CMPMO No.306 of 2023 & CMP No.7716 of Notice issued to sole respondent for today's date, is still awaited.

Learned counsel representing the petitioner prays for and is granted two days' time to take fresh steps for the service of sole respondent, enabling the Registry to issue fresh notice, returnable for 06.09.2023.

In the meantime, petitioner shall not be compelled to remain present in the Court of Additional Principal Judge Family Court Hamirpur, H.P. in a divorce petition filed by the respondent.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

State of H.P. vs. M/s Hindustan Tin Works Ltd.

21.07.2023 Present: Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the petitioner.

r Mr. N.K. Bhalla, Advocate, for the respondent.

Reply to the petition is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order.

Since copy of the same has been already received by learned Additional Advocate General, he may file rejoinder within a period of three weeks, as prayed for.

List on 29.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

The Barmana ACC Land Looser and Affected Transport Co-operative Society vs. State of H.P. & Ors.

21.07.2023 Present: Mr. Hitesh Thakur, Advocate vice counsel, for the petitioner.

r to Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 to 3/State.

Mr. K.D. Sood, Senior Advocate with Mr. Rahul Gathania, Advocate, for respondent No.4.

Mr. Udit Shourya Kaushik, Advocate, for respondent No.5.

Mr. Mukul Sood, Advocate, for respondent No.6.

Replies filed on behalf of respondents No.1 to 4 & 6 are on record.

Learned counsel representing the petitioner prays for and is granted three weeks' time to file rejoinder.

List on 31.08.2023.

In the meantime, respondent No.5, may also file reply, if required and desired.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Jugal Kishore vs. State of H.P. & Ors.

21.07.2023 Present: Mr. Tek Chand, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondents/State.

Learned Additional Advocate General prays for and is granted further three weeks' time to have complete instructions in terms of order dated 26.05.2023.

List on 22.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Prakash Chand & others vs. Dhani Ram & others 21.07.2023 Present: Mr. Dibender Ghosh, Advocate, for the petitioner.

Mr. Hitesh Thakur, Advocate, for the respondents.

Last opportunity of three weeks, as prayed for, is granted to non-applicants/respondents to file reply, failing which, right to file the same shall stand closed.

List on 21.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Sushil Kumar vs. Deputy Commissioner & Ors.

21.07.2023 Present: Ms. Kritika Sharma, Advocate vice counsel for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 & r 2/State.

Ms. Shrutika Chauhan, Advocate vice counsel for respondent No.3.

By way of instant application filed under Order 5 Rule 20 CPC read with Section 151 CPC, prayer has been made by the applicant/petitioner to serve respondent No.4 by way of substituted service, i.e. publication in the newspaper.

It has been averred in the application that despite best efforts put in by the applicant/petitioner, respondent No.4 is not being served, applicant has reason to believe that aforesaid respondent No.4 is purposely evading the service and as such, he is required to be served by way of publication.

In view of the above, the present application is allowed and Registry is directed to serve respondent No.4 by way of publication in daily newspaper "Divya Himachal"

having wide circulation in the area on the payment of usual charges for 28.08.2023.

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Needless to say, Registry shall place on record notice of publication in the court file, enabling it to pass appropriate orders on the next date of hearing.

Application stands disposed of.

r to (Sandeep Sharma)
Judge

21st July, 2023
(reena)

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Dharmi Devi vs. State of H.P. & Ors.

21.07.2023 Present: Mr. Binit Thakur, Advocate vice counsel for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Learned Additional Advocate General prays for and is granted two weeks' time to have instructions.

List on 16.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Hardeep Singh vs. Manohar Lal & others.

21.07.2023 Present: Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Ankita, Advocate, for the petitioner.

Mr. Sanjeev Sharma, Advocate, for respondent No.1.

Learned counsel representing respondent No.1, prays for and is granted four weeks' time to file reply.

Though, as per report of the Registry, notices issued to respondents No.2 to 6 are still awaited, but learned counsel representing the petitioner states that as per instructions imparted to him, dasti notices stand served on them, but those have been not returned to this Court till date.

Order with regard to service of aforesaid respondents shall be passed, on the next date of hearing, by which time, dasti notices served, shall be received in the Court.

List on 11.08.2023.

Till the next date of hearing, further proceedings in Civil Suits, titled as: (i) Manohar Lal vs. Pritam (ii) Hardeep Singh vs. Manohar Lal (iii) Manohar Lal vs. Hardeep Singh and (iv) Manohar Lal vs. Gurmail Singh , pending in the Court of learned Civil Judge Court No.II, Amb, District Una, H.P., shall remain stayed.

(Sandeep Sharma) .

Judge

21st July, 2023
(reena)

r to

Sh. Prit Pal and others vs. Shri Lal Chand and others 21.07.2023 Present: Mr. Bhupender Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate, for the petitioners.

Mr. Hitesh Thakur, Advocate, for respondents No.1 to 5, 6(a) to 6(i), 7,8,9(a) to 9(c) and 10 to r 14, 15(a) and 16.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.17 to 19/State.

Respondents No.20, 21 and 23 to 26 are ex parte.

Respondent No.22 stands deleted.

Mr. Hitesh Thakur, learned Advocate has filed Power of Attorney on behalf of respondent No.15(a), whereas, despite service, none has put in appearance on behalf of respondent No.15(b), hence, he is ordered to be proceeded against ex parte.

Since the pleadings in the case at hand are complete and parties are duly represented, at this stage, same be listed for final hearing, but before that, record of the court below be called for.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Hardeep Singh vs. Manohar Lal & others.

21.07.2023 Present: Mr. Sanjeev Kuthiala, Senior Advocate with Ms. Ankita, Advocate, for the petitioner.

Mr. Sanjeev Sharma, Advocate, for respondent No.1.

Learned counsel representing respondent No.1, prays for and is granted four weeks' time to file reply.

Though, as per report of the Registry, notices issued to respondents No.2 to 6 are still awaited, but learned counsel representing the petitioner states that as per instructions imparted to him, dasti notices stand served on them, but those have been not returned to this Court till date.

Order with regard to service of aforesaid respondents shall be passed, on the next date of hearing, by which time, dasti notices served, shall be received in the Court.

List on 11.08.2023.

Till the next date of hearing, further proceedings in Civil Suits, titled as: (i) Manohar Lal vs. Pritam

(ii) Hardeep Singh vs. Manohar Lal (iii) Manohar Lal vs. Hardeep Singh and (iv) Manohar Lal vs. Gurmail Singh , pending in the Court of learned Civil Judge Court No.II, Amb, District Una, H.P., shall remain stayed.

(Sandeep Sharma) .

Judge

21st July, 2023
(reena)

r to

M/s Zenith Event & Services & Anr. vs. State of H.P. & ors.

21.07.2023 Present: Mr. R.K. Bawa, Senior Advocate with Mr. Ajay Kumar Sharma, Advocate, for the petitioners.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents-State. He prays for and is granted four weeks' time to file reply.

List on 31.08.2023.

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meantime, non-applicants/respondents though may invite fresh tender, but the same would not be finalized without the leave of the Court.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Bhagwan Singh vs. State of H.P. 21.07.2023 Present: Mr. Prince Chauhan, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondent/State.

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent-State. He prays for and is granted time to file status report, on the next date of hearing.

In the meanwhile, in the event of arrest of the applicant-petitioner, in case FIR No. 30 of 2021, dated 26.11.2021, under Sections 406, 420 and 506 of IPC, registered at Police Station State CID Bharari, Shimla, District Shimla, H.P., he be released on bail on furnishing bail bonds in the sum of Rs.25000/-, each with one surety each in the like amount to the satisfaction of the Investigating Officer. Needless to add, the applicant-petitioner shall also join the investigation today itself at 04.00 P.M. and as and when required by the Investigating Officer, shall not hamper the investigation and temper with the prosecution evidence in any manner. He shall also comply with the conditions as contained in Section 438 of the Code of Criminal Procedure.

List on 28.07.2021.

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(Sandeep Sharma)
Judge

21st July, 2023
(reena)

r to

Ramanand vs. State of H.P.

21.07.2023 Present: Mr. Anubhav Chopra, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent-State. He prays for and is granted time to file status report, on the next date of hearing.

List on 04.08.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Sandeep Sharma vs. State of H.P. & Ors.

21.07.2023 Present: Mr. Mohan Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 & 2/State.

CWP No.4440 of 2023 & CMP No.8470 of 2023 Issue notice to respondent No.3, returnable for 04.09.2023, on taking steps within a period of one week.

Learned Additional Advocate General prays for and is granted four weeks' time to file reply.

List on 04.09.2023.

(Sandeep Sharma) Judge 21st July, 2023 (reena) .

Mathra Devi vs.State of H.P. & others.

21.07.2023 Present: Mr. Vishwa Bhushan, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.2/Union of India.

Mr. Deepak Kaushal, Senior Advocate with Mr. Abhishek Verma, Advocate, for the applicant/proposed respondent.

Learned counsel representing the parties, state that having regard to nature of the dispute inter se parties, matter can be resolved in mediation.

Accordingly, in view of the above, with the consent of the parties, Mr. G.D. Verma, learned Senior Advocate, is requested to act as Mediator in the present case. The Administrator-Coordinator, Main Mediation Centre, H.P. High Court, Shimla, shall render all required assistance to the learned Mediator and contact him today itself so that he may fix date as per his convenience and parties are called for the settlement of the disputable questions, if any. Learned counsel representing the parties undertake to appear before the learned Mediator today itself.

(Sandeep Sharma) .

Judge

21st July, 2023
(reena)

r to

Sunita Devi and other vs. State of H.P. & another 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Since today there is abstain in bar, prayer has been made by learned proxy counsel representing the petitioner for adjournment. Allowed, as not opposed.

List on 21.07.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

M/s Puri Brothers vs. Sukhdev Singh 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1.

Mr. Rajan Kahol and Mr. Vishal Panwar, r Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

Since today there is abstain in bar, prayer has been made by learned proxy counsel representing the petitioner for adjournment. Allowed, as not opposed.

List on 25.07.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Mitter Dev Sharma vs. Registrar of Societies 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1,2 & r 5 /State.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.4.

CWP No.2724 of 2023 & CMP Nos.5373 & 8915 of 2023 Replies, as prayed, be filed within two weeks.

List on 14.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Piotr Muschalik vs. State of H.P. & others.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents /State.

Since today there is abstain in bar, prayer has been made by learned proxy counsel representing the petitioner for adjournment. Allowed, as not opposed.

List on 26.07.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Pritam Singh vs. Ms. Kumud Singh and others 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Kamal Sharma, Proxy Counsel, for the respondents.

r Further two weeks' time, as prayed for, is granted to learned counsel representing the petitioner to file an appropriate application for bringing on record legal representatives,if any, of deceased petitioner.

List on 11.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Madan Lal vs. State of H.P. 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents /State.

CMPMO No.83 of 2020 & CMP No.942 of 2020 Reply filed on behalf of the respondents is on record.

Learned proxy counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder. List thereafter.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Bhoop Ram vs. State of H.P. 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents /State.

CMPMO No.85 of 2020 & CMP No.953 of 2020 Reply filed on behalf of the respondents is on record.

Learned proxy counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder. List thereafter.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Yashpal vs. State of H.P. & others.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents /State.

Mr. Kamal Sharma, Proxy Counsel, for respondents No.4 & 5.

Since today there is abstain in bar, prayer has been made by learned proxy counsel representing the parties for adjournment. Allowed, as not opposed.

List on 09.08.2023. .

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Jawahar Lal vs. M/s Rajpura Hydro Power Private Ltd.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.2.

Mr. Rajan Kahol and Mr. Vishal Panwar, r Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1,3 & 4 /State.

Replies filed on behalf of respondents No.1 to 4 are on record.

Learned proxy counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder.

List on 16.08.2023.

Name of Mr. L.S. Mehta, Advocate, for respondent No.2, be reflected in the cause list, henceforth.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Deepak Sood & ors.vs. Central Potato Research Institute 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1.

Mr. Rajan Kahol and Mr. Vishal Panwar, r Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.2 & 3/State.

Since despite there being repeated opportunities no rejoinder has been filed, right to file the same stand closed.

Since today there is abstain in bar, prayer has been made by learned proxy counsel representing the parties for adjournment. Allowed, as not opposed.

List on 17.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Ram Singh vs. Labh Singh 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1.

r Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the parties. Allowed.

List on 18.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Anita Devi vs. HPSSC & Anr.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.2/State.

Reply filed on behalf of respondent No.2, is on record.

Learned proxy counsel representing the petitioner prays for and is granted two weeks' time to file amended memo of parties as well as rejoinder to the reply filed on behalf of respondent No.2.

List on 16.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Hardish Kaur vs. Jai Shree Kalhota 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1.

r Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the parties. Allowed.

List on 16.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Sher Singh vs.State of H.P. & ors.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Further four weeks' time, as prayed, is granted to file rejoinder, failing which, right to file the same shall stand closed.

List after four weeks.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Gian Singh vs. Sub Divisional Collector Haroli 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Since despite there being last opportunity, no rejoinder has been filed, right to file the same stand closed.

Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the petitioner. Prayer allowed, as not opposed.

List on 21.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Pradeep Sigh & others vs. Daljit Singh & another 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Kamal Sharma, Proxy Counsel, for the respondents.

Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the petitioners. Prayer allowed, as not opposed.

List for hearing on 17.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Bhoop Ram vs. State of H.P. & Anr.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Last opportunity of two weeks, as prayed, is granted to file reply, failing which, right to file the same shall stand closed.

List after two weeks.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Kushwinder Singh & others vs. State of H.P. 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 to r 5/State.

Mr. Kamal Sharma, Proxy Counsel, for respondents No.6 to 10.

Replies filed on behalf of the respondents are on record.

Learned proxy counsel representing the petitioner prays for and is granted four weeks' time to file rejoinder.

List on 05.09.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

M/s Corporate Care vs. State of H.P. & Ors.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 to r 3/State.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.4.

Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the parties. Allowed.

List for hearing on 07.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Om Parkash & another vs State of H.P. & others.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Reply filed on behalf of respondents No.4 & 5, is on record.

Learned Additional Advocate General also prays for and is granted further two weeks' time to file reply on behalf of respondents No.1 to 3, failing which, right to file the same shall stand closed.

List on 16.08.2023.

In the meantime, petitioner may file rejoinder, if any, to the reply filed on behalf of respondents No.4 & 5.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Daleep Singh Kanwar vs. M.C. Shimla & others 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1 & 4.

Mr. Rajan Kahol and Mr. Vishal Panwar, r Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.2 & 3/State.

is on record.

Learned proxy counsel representing the petitioner prays for and is granted last opportunity of four weeks to file rejoinder, failing which, right to file the same shall stand closed.

List on 05.09.2023.

In the meantime, respondent No.3 may file reply, if required and desired.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Harsh Kumar vs. State of H.P. & others.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 & r 3/State.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.2.

Reply filed on behalf of respondents No.1 & 3, is on record.

Learned proxy counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder.

List on 22.08.2023.

In the meantime, respondent No.2 may file reply, if required and desired.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Rajvinder Kaur vs. State of H.P. & Ors.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.2.

Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the parties. Allowed.

List on 21.07.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Narender Kumar Sood vs. Branch Manager Kangra Central Co. Bank Ltd. & Ors.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

r to Mr. Kamal Sharma, respondent No.1.

Proxy Mr. Rajan Kahol and Mr. Vishal Panwar, Counsel, Additional Advocates General with Mr. Rahul for Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.2/State.

Further two weeks' time, as prayed for, is granted to learned proxy counsel representing respondent No.1 to obtain instructions in terms of order dated 20.06.2023.

List on 04.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Baldev Singh vs. State of H.P. & Ors.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 & r 2/State.

Mr. Kamal Sharma, Proxy Counsel, for respondents No.3 to 5.

Further four weeks' time, as prayed for, is granted to the respondents to file reply, failing which, right to file the same shall stand closed.

List on 24.08.2023, on which date, respondents No.2 & 3, shall remain present in the Court.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Vikram Singh & Ors. vs. Union of India & ors.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Shiv Pal Manhans, Senior Panel Counsel, for respondents No.1 & 2.

Mr. Kamal Sharma, Proxy Counsel,
r respondents No.3 & 4.

Learned Senior Panel Counsel representing respondents No.1 & 2 submits that though he has instructions to state that in compliance to order dated 12.07.2023, entire award amount has been

deposited, but he prays for and is granted one week's time to place on record written instructions.

List on 03.08.2023.

In the meantime, respondents No.3 & 4 may also file reply, if required and desired.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Rajinder Prasad vs. Mukhtiar Singh and others.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

r to Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the petitioner. Allowed.

List on 03.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Nitin Sharma vs. Prem Prakash Dehloo & Anr.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1.

CWP No.64/2023 & CMP No.1282 of 2023 Reply filed on behalf of respondent No.1, is on record.

Learned proxy counsel representing the petitioner prays for and is granted two weeks' time to file rejoinder.

List on 04.08.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Ram Pyari vs. The Ld. Financial Commissioner (Appeal) Govt. of HP and others.

20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

r to Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. Kamal Sharma, Proxy Counsel, for respondents No.2 to 5.

CWP No.126/2023 & CMP No.3591 of 2023 Learned proxy counsel representing respondents No.2 to 5, prays for and is granted four weeks' time to file Power of Attorney as well as reply.

List on 25.08.2023.

In the meantime, respondent No.1, may also file reply, if required and desired.

Registry is directed to reflect the name of office of Advocate General in the cause list, henceforth.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Gopal Singh vs. Ram Lal and another 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioners.

Mr. Kamal Sharma, Proxy Counsel, for respondent No.1.

CMPMO No.181 of 2023 & CMP(M) No.4760 of r 2023 Further two weeks' time, as prayed, is granted to file Power of Attorney as well as reply to the application. List thereafter.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Amit Jaswal vs. Registrar Co-operative Societies 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

Mr. Kamal Sharma, Proxy Counsel, for respondents No.3 to 5.

Further three weeks' time, as prayed for, is granted to learned counsel representing the respondents to file reply. List thereafter.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Hardeep Singh vs. Manohar Lal 20.07.2023 Present: Mr. Mukul Sharma, Proxy Counsel, for the petitioner.

Mr. Kamal Sharma, Proxy Counsel, for the respondent.

r Since there is abstain in bar, prayer has been made for adjournment by learned proxy counsel representing the petitioner. Prayer allowed.

List on 21.07.2023.

(Sandeep Sharma) Judge 20th July, 2023 (reena) .

Ram Lal vs. The Land Acquisition Collector (Industries) & others and connected matters.

RFA No.588 of 2011 a/w RFA Nos.165 of 2012, 282 of 2013, 4074 of 2013 and 153 of 2018
19.07.2023 Present:

r to Mr. B.C. Verma, Advocate, for the appellant.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No.2.

Mr. Abhishek Sharma, Advocate, for the appellants.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No.1.

Mr. Mr. B.C. Verma, Advocate, for the appellant.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No. Mr. Abhishek Sharma, Advocate, for the appellants.

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Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No. Mr. Abhishek Sharma, Advocate, for the appellants.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No. Learned counsel representing the appellant in RFA No.165 of 2012 states that appellant No.1 has expired.

He prays for and is granted four weeks' time to file appropriate application for bringing on record LR's, if any, of deceased appellant No.1. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

General manager Northern Railways vs. Dharam Chand & another 18.07.2023 Present: Mr. Vir Bahadur Verma, Central Government Standing Counsel, for the appellant/non- applicant.

r to Mr. Ajay Thakur, Advocate vice Mr. Amit Jamwal, Advocate, for respondents No.1 (a) to 1(e), 2(a), 3(a) to 3(i)4(a) to 4(d)/applicants.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No. 5/State.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.1, Jagat Ram, who has expired on 23.12.2015, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents, as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR's. Certificate, this Court finds that respondent No.1, Jagat Ram has expired on 23.12.2015, leaving behind his LR's as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, .

praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.1 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.1, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.1, Jagat Ram, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicant/respondent, for his substitution in place of deceased respondent No.2, Rattan Chand, who has expired on 04.02.2005, as is evident from .

the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicant/respondent,as his legal heir.

No reply is intended to be filed on behalf of the r to non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR. Certificate, this Court finds that respondent No.2, Rattan Chand has expired on 04.02.2005, leaving behind his LR as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, praying therein for his substitution. Since right to sue survives in favour of the person proposed to be substituted in place of deceased respondent No.2 coupled with the fact that right of the party already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.2, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

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Consequently, in view of the above, the present application is allowed and the applicant/respondent, as detailed in para-1 of the application, is ordered to be substituted in place of respondent No.2, Rattan Chand, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.3, Amar Nath, who has expired on 31.07.2015, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents,as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LRs. Certificate, this Court finds that respondent No.3, Amar Nath has expired on 31.07.2015, leaving behind his LRs as detailed in para-4 of the application, who have otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted .

in place of deceased respondent No.3 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.3, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing

of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-4 of the application, are ordered to be substituted in place of respondent No.3, Amar Nath, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.4, Parkash Chand, who has expired on 10.08.2014, as is evident from the Death Certificate placed on record as Annexure-A, .

leaving behind aforesaid applicants/respondents,as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LRs. Certificate, this Court finds that respondent No.4, Parkash Chand has expired on 10.08.2014, leaving behind his LRs as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.4 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.4, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

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Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.4, Parkash Chand, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

Registry is directed to carry out necessary correction in the memo of the parties on the basis of amended memo of parties, annexed with the applications.

CMP Nos.8517, 8522 and 8524 of 2023 The applications are disposed of with the direction that the applicant/petitioner shall file the English translation of Hindi documents, within four weeks.

Since, Mr. Amit Jamwal, Advocate has already filed Power of Attorney on behalf of the newly impleaded respondents, there is no necessity to issue notices to them.

List after four weeks.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Ram Lal vs. The Land Acquisition Collector (Industries) & others and connected matters.

RFA No.588 of 2011 a/w RFA Nos.165 of 2012, 282 of 2013, 4074 of 2013 and 153 of 2018
19.07.2023 Present:

r to Mr. B.C. Verma, Advocate, for the appellant.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No.2.

Mr. Abhishek Sharma, Advocate, for the appellants.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No.1.

Mr. Mr. B.C. Verma, Advocate, for the appellant.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No. Mr. Abhishek Sharma, Advocate, for the appellants.

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Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No. Mr. Abhishek Sharma, Advocate, for the appellants.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1/State.

Mr. K.D. Sood, Senior Advocate, with Ms. Ranjana Chauhan, Advocate, for respondent No. Learned counsel representing the appellant in RFA No.165 of 2012 states that appellant No.1 has expired.

He prays for and is granted four weeks' time to file appropriate application for bringing on record LRs, if any, of deceased appellant No.1. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Jai Gopal vs. LAC, HPSEBL, Mandi 19.07.2023 Present: Mr. Virender Thakur, Advocate, for the appellant.

Ms. Sunita Sharma, Senior Advocate with Mr. Dhananjay Sharma, Advocate, for the respondent.

r Learned Senior Counsel representing the respondent prays for and is granted two weeks' time to complete her brief.

List on 24.08.2023.

Name of Mr. Dhananjay Sharma, Advocate for the respondent, be reflected in the cause list henceforth.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

General Manager, Northern Railway vs. Raj Kumar and others.

19.07.2023 Present: Mr. Nand Lal Thakur, Senior Panel Counsel, for the appellant.

r to Mr.Atharv Sharma, Advocate, for respondents No.1 to 9.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.10/State.

At the joint request of learned counsel representing the parties, list on 09.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Karma Industries vs. L.S. Industries 19.07.2023 Present: Mr. Pawan Gautam, Advocate, for the petitioner.

Mr. Gaurav Sharma, Advocate, for the respondent.

Since, brief of leaned counsel representing the respondent is not complete, prayer has been made for adjournment. Allowed, as not opposed.

List after four weeks.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

State of H.P. vs. Vijay Kapoor Arbitration Case No. 100 of 2015 19.07.2023 Present: Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the petitioner.

r Mr. Vivek Sharma, Advocate, for the respondent.

Learned Additional Advocate General to furnish address of learned Arbitrator within a period of one week, enabling the Registry of this Court to summon record, in terms of order dated 28.06.2023. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

M/s R.L. SS Enterprises vs. State of H.P. 19.07.2023 Present: Mr. Surender Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

By way of instant application, prayer has been made on behalf of the applicant/petitioner to place on record certain documents, which may be relevant for adjudication of the case.

Learned Additional Advocate General prays for and is granted two weeks' time to file reply to the application.

List on 11.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Uma Tanwar vs. State of H.P. & Ors.

19.07.2023 Present: Mr. Raman Verma, Advocate vice Mr. Suneet Goel, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

For the reasons stated in the application, the same is allowed. Application stands disposed of.

List for final hearing on 25.09.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Santokh Singh vs. State of H.P. & Ors.

19.07.2023 Present: None for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondents/State.

Since none has appeared on behalf of the petitioner, in the interest of justice, list this case after three weeks.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Harsharan Sharma vs. State of H.P. & Ors.

19.07.2023 Present: Mr. Ajay Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy and 6/State.

None for respondent No.5.

Since learned Senior Counsel representing the petitioner is pre-occupied in some other Court, prayer has been made on his behalf of adjournment. Prayer allowed, as not opposed.

List after four weeks.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Hoshiar Singh vs. State of H.P. 19.07.2023 Present: Mr. Rajesh Kumar, Advocate, for the petitioners..

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for respondent No.1/State.

At the joint request of learned counsel representing the parties, list on 26.09.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Pardeep Singh vs. State of H.P. with connected matter CWPOA Nos. 543 and 802 of 2019 19.07.2023 Present: Mr. Surinder Saklani, Advocate, for the petitioner(s).

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

At the joint request of learned counsel representing the parties, list on 21.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

M/s D.Y. Associates vs. M/s Pragati Paper Industries Ltd.

19.07.2023 Present: Ms. Devyani Sharma, Senior Advocate with Mr. Anirudh Sharma Advocate, for the plaintiffs.

Mr. Ashok Kumar Tyagi, Advocate, for the r defendant.

Though pleadings in the case at hand are complete, but learned counsel representing the parties pray for and are granted two weeks' time to address arguments.

List on 18.08.2023.

Reply, if any, to the application, be filed within two weeks. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Dharam Pal vs. Shahnaz Begum 19.07.2023 Present: Mr. Janesh Gupta, Advocate, for the plaintiff.

Mr. Ajay Siphaya, Advocate, for the defendant.

r to Learned counsel for the applicant/defendant submits that he be permitted to withdraw the present application with liberty to file afresh. Ordered accordingly.

CS No.58 of 2022 & OMP No.298 of 2022 Since despite being last opportunity, no written statement as well as reply to the stay application has been filed on behalf of defendant/non-applicant, right to file the same stand closed and interim order dated 25.05.2022, passed in the stay application, is made absolute.

Alteration/Vacation/Modification on motion.

Application stands disposed of.

List after four weeks.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

HP Bus Stand Management and Development Authority vs. M/s Konstruktion Konstrorium 19.07.2023 Present: Mr. Lakshay Parihar, Advocate, for the petitioners.

r to Mr. Parveen K. Modgil, Advocate, for the respondent.

Though vide order dated 16.06.2023, this Court had granted last opportunity to the respondent to file reply, but for the explanation rendered qua delay in filing the reply, by way of indulgence, this Court grant further two weeks' time to file reply, failing which, right to file the same shall stand closed and this Court shall be constrained to decide the case at hand on the basis of material available on record.

List on 28.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Devi Dass vs. M/s Ginni Global Pvt. Ltd. And another 19.07.2023 Present: Mr. Rahul Mahajan, Advocate, for the petitioners.

Mr. Parikshit Sharma, Advocate, for the respondent.

For the reasons stated in the application, the same is allowed.

Application stands disposed of.

List for final hearing on 12.09.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

DeviDass vs. M/s Ginni Global Pvt. Ltd. and another 19.07.2023 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Vikas Chauhan, Advocate, for the respondents.

For the reasons stated in the application, the same is allowed.

Application stands disposed of.

List for final hearing on 12.09.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Subhash Chand vs. HRTC Execution Petition (T) No.48 of 2023 19.07.2023 Present: Mr. C.N. Singh, Advocate, for the petitioner.

Mr. Vir Bahadur Verma, Advocate, for the respondents.

One more, but last opportunity of two weeks', as prayed, is granted to file reply, failing which, respondents shall remain present in Court, on the next date of hearing to explain that why property of the department and salary of earring officials be not ordered to be attached for non-

compliance of the order/judgment sought to be executed.

List on 03.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Dr. Minakshi Sumbria vs. State of H.P. & Anr.

19.07.2023 Present: Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.1.

None for respondent No.2.

An application for recalling the order in terms of order dated 23.6.2023, passed in the instant application, is stated to have been filed, but the same is not on record.

Registry to trace and place the same on record, if in order.

List on 09.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

State of H.P. vs. Santosh Kumar CMP.M No.602 of 2023.

19.07.2023 Present: Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the applicants/petitioners.

Issue notice to the respondent, returnable for 10.08.2023, on taking steps within a period of one week. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

State of H.P. vs. Kumari Sanju Devi CMP.M No.601 of 2023.

19.07.2023 Present: Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the applicants/petitioners.

Issue notice to the respondent, returnable for 10.08.2023, on taking steps within a period of one week. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

State of H.P. & Anr. vs. Dev Dutt CMP.M No.593 of 2023.

19.07.2023 Present: Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the applicants/petitioners.

Issue notice to the respondent, returnable for 10.08.2023, on taking steps within a period of one week. List thereafter.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Usha Sharma vs. Municipal Corporation, Shimla CMP No.8340 of 2023 in CMPMO No.144 of 2023
19.07.2023 Present: Mr. Bharat Thakur, Advocate, for the applicant/petitioner.

Mr. Naresh K. Gupta, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal r Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

The present application is disposed of, as having rendered infructuous.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Rattan Dasi vs. Bharat Khera CMP No.4756 of 2023 in COPC No.149 of 2022 19.07.2023 Present: Mr. Daleep Singh Kaith, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

While placing on record communication dated 18.07.2023, issued under the signatures of Executive Engineer, Rampur Division, HPPWD, Rampur, learned Additional Advocate General submits that Notification under Section 11 of the Act, has been issued by the Principal Secretary (PW) Government of H.P. vide letter dated 18.07.2023 and now the acquisition papers prepared for issuance of Notification under Section 19 has been sent to Principal Secretary (PW) for issuance of Notification under Section 19 of the Act.

Having perused the aforesaid communication, this Court finds that steps already stand taken for implementation/execution of the judgment, alleged to have been violated and as such, nothing remains to be adjudicated in the instant proceedings and as such, the same are closed.

(Sandeep Sharma) Judge 19th July, 2023 .

(reena) .

Bhagat Ram vs. Sandeep Kumar and others 19.07.2023 Present: Mr. Sanket Sankhyan, Advocate, for the petitioner.

Issue notice to the respondents, returnable for 24.08.2023, on taking steps within a period of one week.

Notice in the aforesaid terms. Reply, if any, be filed, on or before the next date of hearing. Till the next date of hearing, further proceedings in the Execution Petition No.25/10 of 2014, titled Shyam Lal (since deceased) vs. Bhagat Ram & others, pending in the Court of learned Civil Judge Bilaspur, H.P., shall remain stayed.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Manoj Sharma vs. State of H.P. and ors.

19.07.2023 Present: Mr. Ravi Tanta, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 to 3/State.

Mr. Vivek Sharma, Advocate, for respondent No.4.

CWP No.4621 of 2023 & CMP No.8863 of 2023 Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 to 3. He prays for and is granted three weeks' time to file reply.

List on 18.08.2023.

The application is disposed of with the direction that the applicant/petitioner shall file the translated documents, within four weeks.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Manoj Vema vs. The Union of India and others.

19.07.2023 Present: Mr. P.S. Goverdhan, Senior Advocate with Mr. Rakesh Thakur, Advocate, for the petitioner.

r to Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.1.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Ms. Shreya Chauhan, Advocate, for respondent No.3.

While placing on record communication dated 18.07.2023, issued under the signatures of Director of Elementary Education, learned Additional Advocate General submits that in the meeting of SMC held on 18.07.2023, decision is taken to decrease the number of rooms to 8 rooms from the previous requirement, i.e. 12 rooms given by the SMC in respect of Govt. Primary School, Salogra. He also submits that on account of reduction of rooms, as detailed hereinabove, revised estimate has been prepared by competent authority and the same has been sent to Directorate for further approval by the Government.

Having perused the aforesaid communication, which is taken on record, this Court finds that competent authority has prepared estimate amounting to .

Rs.1,35,30,000/- for construction of school in question and now matter is pending for approval of the Government.

Learned counsel for the petitioner prays for and is granted two weeks' time to have instructions.

In the meantime, learned Additional Advocate General may also place on record instructions with regard to acquisition of land for construction of school in question.

List on 27.07.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Champa Devi vs. State of H.P. and ors.

19.07.2023 Present: Mr. Munish Datwalia, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 to r 6/State.

Mr. Shagun, Advocate vice Mr. Rajesh Kashyap, Advocate, for respondent No.6.

Since no instructions have been obtained with respect to respondents No.7 & 8 in terms of previous order, they are ordered to be proceeded against ex parte.

Learned Additional Advocate General states that no separate replies are required to be filed on behalf of respondents No.1 to 6.

Learned counsel for respondent No.9, prays for and is granted three weeks' time to file reply.

List on 21.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Sanjeev Kumar Sharma vs. Suman Sharma 19.07.2023 Present: Ms. Meera Devi, Advocate vice counsel, for the petitioner.

Mr. Sumit Sood, Advocate, for the respondent.

Since, learned Senior Counsel, who, has to argue the case on behalf of the petitioner, is unwell, prayer has been made for adjournment. Prayer allowed, as not opposed.

List on 29.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

M/s Mahindra & Mahindra vs. Asha Devi 19.07.2023 Present: Ms. Meera Devi, Advocate vice counsel, for the petitioner.

Ms. Devyani Sharma, Senior Advocate with Mr. Anirudh Sharma, Advocate, for the r respondent.

Since, learned Senior Counsel, who, has to argue the case on behalf of the petitioner, is unwell, prayer has been made for adjournment. Prayer allowed, as not opposed.

List on 09.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

Prem Lal Thakur vs. State of H.P. & Ors.

19.07.2023 Present: Mr. Sanjay K. Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No. 1/State.

Ms. Bhawna Sharma, Advocate vice Mr. Navlesh Verma, Advocate, for respondent No.2.

Mr. Sanket Sankhyan, Advocate, for respondent No.4.

Reply on behalf of respondent No.2 is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order.

List on 29.08.2023.

In the meantime, respondents No.1 & 4 may file reply, if not already filed.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

The Bhagal Land Loosers Co-operative Truck Operators Society vs. State of H.P. & others.

19.07.2023 Present: Mr. Mukesh Sharma, Advocate vice Mr. Rajiv Rai, Advocate, for the petitioner.

r to Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 to 3/State.

Mr.Surinder Saklani, Advocate, for respondent No.4.

Mr. Sudhir Thakur, Senior Advocate with Mr. Annush Verma, Advocate, for respondent No.5.

Learned Additional Advocate General and learned counsel representing respondent No.5, have already made statements that they do not intend to file any reply on behalf of respondents No.1 to 3 and respondent No.5 and as such, right to file the same stands closed.

Reply filed on behalf of respondent No.4 is on record, but despite sufficient opportunities, no rejoinder has been filed.

Learned counsel for the petitioner prays for and is granted two weeks' time to file rejoinder, if any, to the reply filed on behalf of respondent No.4.

List on 23.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 .

(reena) .

M.C. Shimla vs. Resident Welfare Association Housing Board Colony 19.07.2023 Present: Mr. Anil Chauhan, Advocate, for the petitioner.

Mr. Parveen Chauhan, Advocate vice Mr. Y.P. Sood, Advocate, for the respondent. r Since arguing counsel representing the respondent is not available on account of death in his family, prayer has been made on his behalf for adjournment.

Allowed, as not opposed.

List on 31.08.2023.

(Sandeep Sharma) Judge 19th July, 2023 (reena) .

General manager Northern Railways vs. Jagat Ram & another 18.07.2023 Present: Mr. Vir Bahadur Verma, Central Government Standing Counsel, for the appellant/non-

applicant.

Mr. Ajay Thakur, Advocate vice Mr. Amit Jamwal, Advocate, for respondents No.1 (a) to 1(e), 2(a), r 3(a) to 3(i)4(a) to 4(d)/applicants.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No. 5/State.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.1, Jagat Ram, who has expired on 23.12.2015, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents,as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR's. Certificate, this Court finds that respondent No.1, Jagat Ram has expired on 23.12.2015, leaving behind his LR's as detailed in para-1 of the application, who have .

otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.1 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.1, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.1, Jagat Ram, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicant/respondent, for his substitution in place of deceased respondent No.2, Rattan .

Chand, who has expired on 04.02.2005, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicant/respondent,as his legal heir.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR. Certificate, this Court finds that respondent No.2, Rattan Chand has expired on 04.02.2005, leaving behind his LR as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, praying therein for his substitution. Since right to sue survives in favour of the person proposed to be substituted in place of deceased respondent No.2 coupled with the fact that right of the party already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.2, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, .

there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicant/respondent, as detailed in para-1 of the application, is ordered to be substituted in place of respondent No.2, Rattan Chand, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.3, Amar Nath, who has expired on 31.07.2015, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents,as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR. Certificate, this Court finds that respondent No.3, Amar Nath has expired on 31.07.2015, leaving behind his LR as detailed in para-4 of the application, who have otherwise approached this Court in the instant application, .

praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.3 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.3, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-4 of the application, are ordered to be substituted in place of respondent No.3, Amar Nath, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.4, Parkash Chand, who has expired on 10.08.2014, as is evident from .

the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents, as his legal heirs.

No reply is intended to be filed on behalf of the r to non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LRs. Certificate, this Court finds that respondent No.4, Parkash Chand has expired on 10.08.2014, leaving behind his LRs as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.4 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.4, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

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Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.4, Parkash Chand, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

Registry is directed to carry out necessary correction in the memo of the parties on the basis of amended memo of parties, annexed with the applications.

CMP Nos.8517, 8522 and 8524 of 2023 The applications are disposed of with the direction that the applicant/petitioner shall file the English translation of Hindi documents, within four weeks.

Since, Mr. Amit Jamwal, Advocate has already filed Power of Attorney on behalf of the newly impleaded respondents, there is no necessity to issue notices to them.

List after four weeks.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

General manager Northern Railways vs. Jagat Ram & another 18.07.2023 Present: Mr. Vir Bahadur Verma, Central Government Standing Counsel, for the appellant/non-

applicant.

Mr. Ajay Thakur, Advocate vice Mr. Amit Jamwal, Advocate, for respondents No.1(a) to r 1(e)/applicants.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No. 3/State.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.1, Jagat Ram, who has expired on 23.12.2015, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents, as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR's Certificate, this Court finds that respondent No.1, Jagat Ram has expired on 23.12.2015, leaving behind his LR's as detailed in para-1 of the application, who have .

otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.1 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.1, has already been awarded compensation qua his land used for the purpose of construction of railway line of Nangal-Talwara Broad Gauge and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in present RFA No.367 of 2012 alongwith connected matters including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.1, Jagat Ram, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

Registry is directed to carry out necessary correction in the memo of the parties on the basis of amended memo of parties, annexed with the application.

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The application is disposed of with the direction that the applicant/petitioner shall file the English translation, ` within four weeks.

r to Since, Mr. Amit Jamwal, Advocate has already filed Power of Attorney on behalf of the newly impleaded respondents, there is no necessity to issue notices to them.

List after four weeks.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

General manager Northern Railway vs. Jagat Ram & others 18.07.2023 Present: Mr. Vir Bahadur Verma, Central Government Standing Counsel, for the appellant/non- applicant.

r to Mr. Ajay Thakur, Advocate vice Mr. Amit Jamwal, Advocate, for respondents/applicants.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No. 3/State.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents, for their substitution in place of deceased respondent No.1, Jagat Ram, who has expired on 23.12.2015, as is evident from the Death Certificate placed on record as Annexure-A, leaving behind aforesaid applicants/respondents,as his legal heirs.

No reply is intended to be filed on behalf of the non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LRs. Certificate, this Court finds that respondent No.1, Jagat Ram has expired on 23.12.2015, leaving behind his LRs as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, .

praying therein for their substitution. Since right to sue survives in favour of the persons proposed to be substituted in place of deceased respondent No.1 coupled with the fact that right of the parties already stands settled with the passing of award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.1, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023, by this Court in RFA No.367 of 2012 alongwith connected matter including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.1, Jagat Ram, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

By way of instant application filed under Order 1 Rule 10 read with Section 151 of CPC, prayer has been made on behalf of the applicants/respondents for their substitution in place of deceased respondent No.2, Parkash Chand, who has expired on 10.08.2014, as is evident from .

the Death Certificate placed on record (Annexure-A) leaving behind aforesaid applicants/respondents, as his legal heirs.

No reply is intended to be filed on behalf of the applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, i.e. Death Certificate as well as LR's. Certificate, this Court finds that respondent No.2, Parkash Chand has expired on 10.08.2014, leaving behind his LR's as detailed in para-1 of the application, who have otherwise approached this Court in the instant application, praying therein for their substitution. Since right to sue survives in favour of the applicants/respondents proposed to be substituted in place of deceased respondent No.1 coupled with the fact that right of the parties already stands settled with passing of the award dated 25.06.2011 by learned District Judge Una, H.P., whereby deceased respondent No.2, has already been awarded compensation qua his land used for the purpose of construction of railway line and the aforesaid award has attained finality with the passing of judgment dated 14.06.2023 by this Court in RFA No.367 of 2012 alongwith connected matter including RFA No.360 of 2012, there appears to be no impediment in accepting the prayer made in the application.

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Consequently, in view of the above, the present application is allowed and the applicants/respondents, as detailed in para-1 of the application, are ordered to be substituted in place of respondent No.2 Parkash Chand, whose name is otherwise ordered to be deleted from the array of the parties. Application stands disposed of.

Registry is directed to carry out necessary correction in the memo of the parties on the basis of amended memo of parties, annexed with the applications.

The application is disposed of with the direction that the applicant/petitioner shall file the English translation, within four weeks.

Since, Mr. Amit Jamwal, Advocate has already filed Power of Attorney on behalf of newly impleaded respondents, there is no necessity to issue notices to them.

List after four weeks.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Vinod Kumar vs. Narender Singh Negi 18.07.2023 Present: Mr. Naresh Sharma, Advocate, for the petitioner.

Mr. K.B. Khajuria, Advocate, for the respondent.

r to Learned counsel for the respondent prays for and is granted further two weeks' time to file reply.

List on 10.08.2023.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Promila Devi vs. State of H.P. & others.

18.07.2023 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 to r 5/State.

CWP No.4608 of 2023 & CMP No.8827 of 2023 Notice. Mr. B.C. Verma, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 to 5.

Separate notices be issued to respondents No.6 & 7, returnable for 31.08.2023, on taking steps within a period of one week. In the meanwhile, reply, if any, by appearing respondents, be also filed.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Vijay Singh vs. State of H.P. 18.07.2023 Present: Mr. Vijender Katoch, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondent/State.

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent-State. He prays for and is granted time to file status report, on the next date of hearing.

List on 01.08.2023.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Neelam Shama & Anr. vs. Union of India & Ors.

18.07.2023 Present: Mr. Jagat Pal, Advocate, for the petitioners.

Mr. Vir Bahadur Verma, Central Government Standing Counsel, for respondent No.1.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for respondent r No.2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.3 & 4/State.

Notice. Mr. Vir Bahadur Verma, learned CGSC, Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive service of notices on behalf of respondent No.1, respondent No.2 and respondents No.3 & 4, respectively.

Separate notice be issued to respondent No.5, returnable for 31.08.2023, on taking steps within a period of one week. In the meanwhile, replies, if any, by appearing respondents, be also filed.

Notice in the aforesaid terms. Replies, if any, be filed, on or before the next date of hearing.

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Learned counsel for non-applicant/respondent No.2 submits that possible steps shall be taken to protect the property, if in danger on account of construction of NHAI.

The application is disposed of with the direction that the applicant/petitioner shall file the Vernacular of Annexure P-14, within four weeks.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Keshav Ram & others vs. State of H.P. & others 18.07.2023 Present: Ms. Madhurika Sekhon Verma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1,2,4 & r 5/State.

Mr. Hemant Thakur, Advocate, for respondent No.3.

Further two weeks' time, as prayed for, is granted to learned counsel for the petitioner to file rejoinder.

List on 11.08.2023.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Kanshi Ram vs. State of H.P. & others 18.07.2023 Present: Ms. Madhurika Sekhon Verma, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1,2,4 & r 5/State.

Mr. Hemant Thakur, Advocate, for respondent No.3.

Further two weeks' time, as prayed for, is granted to learned counsel for the petitioner to file rejoinder.

List on 11.08.2023.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

M/s Bharat Cuisine Services vs. State of H.P. and others.

18.07.2023 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

CWP No.4502 of 2023 & CMP No.8574 of 2023 After having heard learned counsel representing the parties for some time, this Court deems it necessary to go through the record of CWP No.2228 of 2023. Registry to call for the record, on or before the next date of hearing.

List on 27.07.2023.

(Sandeep Sharma) Judge 18th July, 2023 (reena) .

Pardeep Kumar vs. Chetna Verma & Anr.

CMP Nos.7489 & 6277 of 2023 in CMPMO No.364 of 2012 23.06.2023 Present: Mr. Sanjeev Bhushan, Senior Advocate with Ms. Abhilasha, Advocate, for the non- applicant/petitioner.

Mr .

Ajay Vaidya,
applicants/respondents.

Advocate, for the

By way of instant application filed under Order 32 rule 12 CPC, prayer has been made on behalf of applicant/respondent No.2 namely Noddy alias Kiriten, for discharge of his natural guardian, i.e. his mother respondent No.1, Smt. Chetna Verma, as he has attained majority.

No reply is intended to be filed to the application by the non-applicant/petitioner.

Careful perusal of averments contained in the application, which is duly supported by an affidavit as well as matriculation certificate annexed with the same, this Court finds that applicant/respondent No.2 namely Noddy alias Kiriten, has attained majority and as such, he is entitled to prosecute the case at hand in his own independent capacity.

Consequently, in view of the above, the present application is allowed and applicant/respondent No.1 Smt. Chetna Verma, is discharged from the guardianship of applicant/respondent No.2 namely Noddy alias Kiriten, who is further held entitled to prosecute the case at hand in his own independent capacity.

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Application stands disposed of.

By way of instant application filed under Section 151 CPC, prayer has been made applicant/respondent No.2, for release of award amount in his favour, lying deposited in the Registry of this Court.

on behalf of No reply is intended to be filed to the application by non-applicant/petitioner.

Careful perusal of the record reveals that CMPMO bearing No. 364 of 2012, having been filed by the non-applicant/petitioner stands finally decided vide judgment dated 24.04.2015. Since, no appeal whatsoever has been filed against the aforesaid judgment in the superior court of law, same has attained finality. During the pendency of the aforesaid case non-applicant/petitioner had deposited the maintenance amount in the Registry of this Court, which is now sought to be released in favour of the applicant/respondent No.2 in the instant application.

Record reveals that vide order dated 06.10.2015, amount falling in the share of applicant/respondent No.1 Chetna Verma was ordered to be released, whereas, taking into account minority of applicant/respondent No.2 Noddy alias Kritey, amount falling in his share, was ordered to be invested in a FDR. Since, .

applicant/respondent No.2 Noddy alias Kritey, has now attained majority, he has prayed for release of award amount falling to his share.

Consequently, in view of the above, present award amount r to application is allowed and Registry is directed to release the with up-to-date interest in favour applicant/respondent No.2, strictly as per his share, by of remitting the same in his saving bank account, details whereof is given in para-5 of the application, subject to the verification by the Accounts Branch.

Application stands disposed of.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Laxmi vs. Land Acquisition Collector& Ors.

Arbitration Case No.490 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Keshav Ram vs. Land Acquisition Collector& Ors.

Arbitration Case No.489 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Ved Prakash vs. Land Acquisition Collector& Ors.

Arbitration Case No.488 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Sanjeev Kumar vs. Land Acquisition Collector& Ors.

Arbitration Case No.487 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Pushap Lata vs. Land Acquisition Collector& Ors.

Arbitration Case No.486 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Ishwar kant vs. Land Acquisition Collector& Ors.

Arbitration Case No.485 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Tandup vs. Land Acquisition Collector& Ors.

Arbitration Case No.484 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Lal Chand vs. Land Acquisition Collector& Ors.

Arbitration Case No.483 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Amir Chand & Anr. vs. Land Acquisition Collector& Ors.

Arbitration Case No.479 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioners.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Ram Chand vs. Land Acquisition Collector& Ors.

Arbitration Case No.481 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Kriti Krishan Gaur vs. Land Acquisition Collector& Ors.

Arbitration Case No.480 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Saran Dass vs. Land Acquisition Collector& Ors.

Arbitration Case No.479 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Kewal Krishan vs. Land Acquisition Collector& Ors.

Arbitration Case No.478 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Surat Ram vs. Land Acquisition Collector& Ors.

Arbitration Case No.477 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Gian Chand vs. Land Acquisition Collector& Ors.

Arbitration Case No.476 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Dharam Dass vs. Land Acquisition Collector& Ors.

Arbitration Case No.475 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Lagan Chand vs. Land Acquisition Collector& Ors.

Arbitration Case No.474 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Jampal Singh vs. Land Acquisition Collector& Ors.

Arbitration Case No.473 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioner.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023 alongwith Arb. Case No.472 of 2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Mani Ram & anr. vs. Land Acquisition Collector& Ors.

Arbitration Case No.472 of 2023 23.06.2023 Present: Mr. Maan Singh, Advocate, for the petitioners.

Ms. Shreya Chauhan, Advocate, for respondents No.1 & 2.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. r Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.3/State.

Notice. Ms. Shreya Chauhan, learned counsel and Mr. B.C. Verma, learned Additional Advocate General, appear and waive notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. They pray for and are granted two weeks' time to file reply.

List on 11.07.2023.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

LAC vs. Lt. Col LHM Gregory and others.

23.06.2023 Present: Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the appellant.

Respondent N.I. Lt. Col.LHM Gregory is stated to have expired and the Registrar (Judicial) High rCourt of H.P. has been appointed as Administrator General to represent the estate of respondent No.1 vide order dated 25.09.2018, passed in CMP No.9064 o 2018.

Mr. Shashi Shirshoo, Central Government Counsel, for respondent No.2.

Respondents No.3,5 and 6 were proceeded ex parte vide orders dated 15.03.2019 & 28.05.2019.

Mr. Paras Ram, Advocate vice Mr. B.R. Kashyap, Advocate, for respondents No.4(a) to 4(e) and 4(g) to 4(j).

Respondents No.4(f) (i) to 4(f) (iv) are proceeded ex parte vide order dated 18.10.2022.

Respondent No.4(k) stands deleted vide order dated 07.04.2022.

Since at one point of time, I have dealt with the case at hand in the capacity of Assistant Solicitor General of India, the same be listed before another Bench at the pleasure of Hon'ble the Chief Justice.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Smt. Bharti Dogra vs. Sh. Gaurav Dogra 23.06.2023 Present: Mr. Amit Sharma, Advocate, for the petitioner.

CMPMO No.306 of 2023 & CMP No.7716 of 2023 rIssue notice to the respondent, returnable for 21.07.2023, on taking steps within a period of one week.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

NTPC Ltd. vs. Baboo Ram and others.

CMP No.7644 of 2023 in RFA No.96 of 2013 23.06.2023 Present: Mr. Kul Bhushan Khajuria, Advocate, for the non-

applicant/appellant.

Mr. Abhishek Sharma, Advocate, for respondents No.1 to 3, 5, 6, 24, 29, 30, 31 & r 32/applicants.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondent No.34.

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of applicant/respondent No.6, Anwar Hussain, for release of award amount in his favour, lying deposited in the Registry of this Court.

No reply is intended to be filed to the application by non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit, this Court finds that appeal bearing RFA No.96 of 2013, having been filed by the non-applicant/appellant stands finally decided vide judgment dated 06.04.2018. Since, no appeal whatsoever has been filed against the aforesaid judgment in the superior court of law, same has attained finality and as such, this Court sees no impediment in accepting the prayer made in the instant application.

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Consequently, in view of the above, present application is allowed and Registry is directed to release the award amount with up-to-date interest in favour of the applicant/respondent No.6, strictly as per his share, by remitting the same in his saving bank account, details whereof is given in para-8 of the application, subject to the verification by the Accounts Branch.

Application stands disposed of.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

NTPC Ltd. vs. Prem Singh & Another CMP No.7630 of 2023 in RFA No.4197 of 2013 23.06.2023
Present: Mr. C.N. Singh, Advocate, for the non-applicant/appellant.

Mr. Hansretta, Advocate vice Mr. Manoj Thakur, Advocate, for the applicant/respondent.

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of applicant/respondent for release of award amount in his favour with up-to- date interest lying deposited in the Registry of this Court.

No reply is intended to be filed to the application by non-applicant/appellant.

Having perused the averments contained in the application, which is duly supported by an affidavit, this Court finds that appeal bearing RFA No.4197 of 2013, having been filed by the non-applicant/appellant stands finally decided vide judgment dated 22.12.2017. Since, no appeal whatsoever has been filed against the aforesaid judgment in the superior court of law, same has attained finality and as such, this Court sees no impediment in accepting the prayer made in the instant application.

Consequently, in view of the above, present application is allowed and Registry is directed to release the award amount with up-to-date interest in favour of the .

applicant/respondent by remitting the same in his saving bank account, details whereof is given in para-3 of the application, subject to the verification by the Accounts Branch.

r to Application stands disposed of.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Prema Devi & Anr. vs. Sate of H.P. & ors.

CMP No.7390 of 2023 in CWP No.2164 of 2016 23.06.2023 Present: Mr. Anil Kumar, Advocate, for the applicants/petitioners.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 & 4.

Mr. Vivek Singh Negi, Advocate, for respondents No.2 & 3.

By way of instant application filed under Section 151 of CPC, prayer has been made on behalf of the applicants/petitioners for release of entire compensation amount lying deposited in the Registry of this Court.

Learned Additional Advocate General as well as learned counsel representing non-applicants/respondents No.2 & 3, pray for and are granted two weeks' time to file reply to the application. List thereafter.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Heeramani vs. Sate of H.P. & ors.

CMP No.7387 of 2023 in CWP No.2162 of 2016 23.06.2023 Present: Mr. Anil Kumar, Advocate, for the applicant/petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No.1 & 4.

Mr. Vivek Singh Negi, Advocate, for respondents No.2 & 3.

By way of instant application filed under Section 151 of CPC, prayer has been made on behalf of the applicant/petitioner for release of entire compensation amount lying deposited in the Registry of this Court.

Learned Additional Advocate General as well as learned counsel representing non-applicants/respondents No.2 & 3, pray for and are granted two weeks' time to file reply to the application. List thereafter.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Anil vs. Maneeh Garg CMP No.4758 of 2023 in COPC No.267 of 2022 23.06.2023 Present: Mr. Munish Datwalia, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. B.C. Verma and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

While placing on record the communication dated 22nd June, 2023, issued under the signatures of Director of Elementary Education, Himachal Pradesh, Mr. B.C. Verma, learned Additional Advocate General states that mandate contained in the judgment alleged to have been violated, stands duly complied with.

Factum with regard to compliance, as reported to this Court, has been fairly acknowledged by learned counsel representing the petitioner and as such, nothing remains to be adjudicated in the instant application and accordingly same is disposed of.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Rajat Dhariwal & ors. vs. Hitesh Kumar 23.06.2023 Present: Mr. K.D. Sood, Senior Advocate with Mr. Mukul Sood, Advocate, for the plaintiffs.

Mr. Parav Sharma, Advocate, for the defendant.

Civil Suit No.31 of 2023 & OMP No.223 of Mr. Parav Sharma, learned counsel representing the defendant has filed Power of Attorney on behalf of the defendant. He prays for and is granted four weeks' time to file written statement as well as reply to the stay application.

List on 21.07.2023.

Interim order to continue.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Beverley Singh vs. Tejinder Singh & another 23.06.2023 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate, for the plaintiff.

Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lal, Advocate, for the defendants. rList on 27.06.2023, as prayed for, on which date, question of maintainability shall be decided at the first instance.

In the meantime, plaintiff may file rejoinder, if any, to the reply filed on behalf of the defendants.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Sandesh Kumar vs. State of H.P. & Ors.

23.06.2023 Present: Mr.Kamlesh Sharma, Advocate vice Mr. Naresh Kumar Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

Further two weeks' time, as prayed for, is granted to learned counsel appearing on behalf of the petitioner to file rejoinder. List thereafter.

(Sandeep Sharma) Judge 23rd June, 2023 (reena) .

Ambuja Cement Ltd. vs. Nank Chand & Anr.

22.06.2023 Present: Mr. Neeraj Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate, for the appellant.

Mr. Rajender Sharma, Advocate, for respondent No.1.

Learned Senior Counsel representing the appellant states that since the case at hand has come up for final hearing after considerable time, he may be given some time to complete his brief.

Accordingly, in view of the above, list this matter on 20.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Dhani Ram vs. Union of India.

22.06.2023 Present: Ms. Ranjana Chauhan, Advocate, for the appellant.

Mr. Balram Sharma, Deputy Solicitor General of India, for the respondents.

Response to compliance report is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order. List thereafter before appropriate Bench.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Deepak Mankotia vs. State of H.P. & Ors.

22.06.2023 Present: Mr. Vishal Singh Thakur, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for respondents No. 1 & 2/State.

Mr. Ajay Sharma, Senior Advocate with Mr. Athrav Sharma, Advocate, for respondent No.3.

At the joint request of learned counsel representing the parties, list on 26.06.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

The New India Ass. Co. Ltd. vs. Lekhika 22.06.2023 Present: Mr. Manmohan, Advocate, for the appellant.

Mr. D.S. Nainta, Advocate, for respondents No.1 to 5.

None for respondents No.6 & 7.

At the joint request of learned counsel representing the parties, list on 13.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Sukh Dev vs. State of H.P. 22.06.2023 Present: Mr. Sunil Mohan Goel, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

At the request of learned counsel representing the petitioner, list on 19.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Sudama Devi vs. Municipal Corporation, Shimla 22.06.2023 Present: Mr. Rakesh Kumar Dogra, Advocate, for the petitioner.

Mr. Hamnder Singh Chandel, Advocate, for the respondent.

rAt the joint request of learned counsel representing the parties, list on 11.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Bhupinder Singh vs. Board of Directors &Anr.

22.06.2023 Present: Mr. Rakesh Kumar Dogra, Advocate, for the petitioner.

rMs. Shubh At the respondents.

joint Mahajan, request Advocate, of learned for the counsel representing the parties, list on 11.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Bansi Lal vs. State of H.P. & others.

22.06.2023 Present: Mr. Ravinder Singh Chandel, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

At the request of learned counsel representing the petitioner, list on 12.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Rameshwar Dass Gautam vs. State of H.P. & Ors.

22.06.2023 Present: Ms. Nevadita Sharma, Advocate, for the petitioner.

r to Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents/State.

At the request of learned counsel representing the petitioner, list on 11.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Balwant Singh & others vs. HPSEBL & others 22.06.2023 Present: Mr. Daya Ram Thakur, Advocate, for the petitioners.

Mr. Kartik Kumar, Advocate, for respondent No.1.

rAt the joint request of learned counsel representing the parties, list on 18.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Parkash Chand vs. Ajay Sharma CR Nos. 77 and 78 of 2015 22.06.2023 Present: Ms. Meera Devi, Advocate, for the petitioner(s).

Mr. Sumit Sood, Advocate, for respondent No.1.

rMr.

At the

Ramakant

joint

Sharma,

request of
Advocate,

respondent No.2 in both the petitions.

learned counsel
for

representing the parties, list on 27.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

General Manager, the Tribune vs. State of H.P. 22.06.2023 Present: Mr. Vijay Kumar Arora, Advocate, for the petitioner.

r to Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

Mr. Rakesh Dhaulta, Advocate, for respondent No.3.

At the joint request of learned counsel representing the parties, list on 27.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Sh. Suresh Kumar vs. Smt. Banka Mani 22.06.2023 Present: Mr. Rajsh Kumar, Advocate, for the appellant.

Mr. V.D.Khidtta, Advocate, for the respondent.

rAt the joint request representing the parties, list on 03.08.2023.

of learned counsel

(Sandeep Sharma)
Judge

22nd June, 2023
(reena)

Devi Singh vs. State of H.P. & Ors.

22.06.2023 Present: Mr. D.K. Khanna, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondent/State.

At the request of learned counsel representing the petitioner, list on 13.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Nand Lal vs. State of H.P. and Ors.

22.06.2023 Present: Mr. D.K. Khanna, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy r Advocates General, for the respondent/State.

At the request of learned counsel representing the petitioner, list on 13.07.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Ghan Shyam vs. Sudhir Katoch CMP-T No.550 of 2022 in COPCT No.14 of 2020 22.06.2023 Present: Mr. Naveen Awasthi, Advocate, for the applicant/petitioner.

Ms. Suchitra Sen, Advocate, for the non- applicant/respondent.

Ms Suchitra Sen, learned counsel for the respondent, has placed on record communication dated 18.07.2022, issued under the signature of Secretary, H.P. State Co-operative Development Fed., enclosing therewith calculations. Though calculations placed on record reveal that amount of gratuity has been paid, but there is no mention, if any, with regard to interest on account of delayed payment.

Careful perusal of judgment passed by this Court in CWP No.8215 of 2013, decided on 1809.2015, RBS Negi and ors. vs. State of Himachal Pradesh & Ors., clearly reveals that if enhanced gratuity is

not paid within sixty days, petitioner shall be entitled to simple interest @ 9% per annum. Since in the case at hand, enhanced gratuity, was not paid within the stipulated period, petitioner is required to be awarded interest.

Faced with the aforesaid situation, learned counsel for the respondent prays for and is granted six weeks' time to have instructions.

List on 03.08.2023.

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(Sandeep Sharma)
Judge

22nd June, 2023
(reena)

r to

M/s Banjara Mountain Retreat vs. Hira Nand Sharma Civil Suit No.96 of 2021 a/w COPC 418 of 2021 22.06.2023 Present: Mr. Ajay Kumar, Senior Advocate with Mr. Rohit, Advocate, for the plaintiff.

r to Mr. Shrawan Dogra, Senior Advocate with Mr. H.C. Sharma, Advocate, for the respondents.

Since, case relating to same suit land between the same parties already stands referred to mediation of Mr. Naresh Sood, learned Senior Advocate, being Civil Suit No.77 of 2022, this Court deems it fit to send the case at hand to the mediation of the aforesaid learned Mediator.

Accordingly, on the joint request of learned counsel representing the parties, matter is referred to the mediation of Mr. Naresh Sood, learned Senior Advocate.

The Administrative Coordinator, Main Mediation Centre, H.P. High Court, Shimla shall render all required assistance to the learned Mediator and contact him today itself so that he may fix date as per his convenience and parties are called for the settlement of the disputable questions, if any. Learned counsel for the parties undertake to appear before the learned Mediator today itself.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

M/s HTL Associates Pvt. Ltd. vs. Vinod Sood & Ors.

22.06.2023 Present: Mr. G.C. Gupta, Senior Advocate with Mr. C.N. Singh and Mr. Devender Sharma, Advocates, for the plaintiff.

Mr. Vikram Thakur, Advocate, for defendants No.1 & 2.

Mr. B.M. Chauhan, Senior Advocate with Mr. Ram Murti Bisht, Advocate, for defendant No.3.

By way of instant application filed under Order 1 Rule 10 read with Section 151 CPC, prayer has been made on behalf of applicants, namely Sh. Tarun Dogra and Sh.

Lalit Kumar, Directors of M/s HTL Associates (plaintiffs herein) for their substitution in place of plaintiff/company namely M/s HTL Associates Pvt. Ltd.

Before the application at hand could be heard and decided on its own merit, learned counsel representing the applicants/plaintiffs, on instructions, submits that applicants do not press for their substitution, but proposed plaintiffs namely Sh. Tarun Dogra and Sh. Lalit Kumar, may be impleaded as co-plaintiffs No.2 & 3.

Mr. Vikram Thakur and Mr. B.M. Chauhan, learned Senior Advocates, representing defendants No.1 & 2 and defendant No.3 submit that since earlier application bearing OMP No.805 of 2022, filed under Order 1 Rule 10 .

read with Section 151 CPC has already been withdrawn, prayer made in the instant application on behalf of the applicant/plaintiff cannot be accepted. However, record reveals that earlier application bearing OMP No.805 of 2022, filed under Order 1 Rule 10 read with Section 151 CPC was withdrawn on account of filing of the application at hand and as such, there is no impediment to accept the prayer made on behalf of the applicants for their being arrayed as co-plaintiffs No.2 & 3. At this stage, it would be apt to take note of provisions contained under Order 1 Rule 10(1) & (2) CPC, which read as under:-

"(1) Suit in name of wrong plaintiff-Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in

the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted thought a bona fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

(2) Court may strike out or add parties- The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name, of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added."

A bare perusal of provision contained in Order 10 (1) CPC clearly reveals that where a suit has been instituted in the name of the wrong person as plaintiff on account of bonafide mistake and it is necessary for determination of real matter in dispute to add/array some person as a party/plaintiff, Court can always order addition/substitution.

Perusal of provision contained in Order 10 (2) CPC reveals that the Court may at any stage either upon or without the application of either party, can order impleadment of party whether as plaintiff or defendant. If it appears to the Court that presence of such persons may be necessary to enable the Court effectually and completely adjudicate upon and settle all the questions involved in the suit, it can always order impleadment.

In the instant case, pleadings available on record clearly reveal that applicants, who are seeking their substitution have categorically stated in the plaint that vide agreement to sell dated 18.02.2019, suit land was purchased by them for plaintiff as its directors. Though, suit has been filed by the plaintiff-company through one of its Director Sh.

Tarun Dogra, but he along with other Director Sh. Lalit Kumar has been not arrayed as co-plaintiff.

Having regard to nature of the controversy inter se parties, this Court is of the view that applicants need to be .

arrayed as co-plaintiffs, but their plea for substitution in place of plaintiff No.1, is not tenable.

Consequently, in view of the above, prayer made on behalf of the applicants/plaintiffs as named hereinabove, for their substitution is though rejected, but they are ordered to be impleaded as co-plaintiffs No.2 & 3, subject to just exceptions.

Applicants/plaintiffs, as named hereinabove, may file amended memo of parties within a period of one week enabling the Registry to carry out necessary correction in the amended memo of parties.

Application stands disposed of.

(Sandeep Sharma) Judge 22nd June, 2023 (reena) .

Ramesh Dhawan vs. State of H.P. 22.06.2023 Present: Mr. Ajay Kochhar, Senior Advocate with Mr. Vivek Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondent/State.

ASI Dalip Singh, I.O. Police Station, Baddi, present with record.

Though, respondent-State has filed fresh status report and ASI Dalip Singh has come present alongwith the record, but learned Senior Counsel representing the petitioner prays for and is granted one week's time to go through the same.

List on 26.06.2023.

(Sandeep Sharma) Judge 22nd June, 2023 (reena)