
(2022) 07 UK CK 0062

Uttarakhand High Court

Case No: Special Appeal No. 198 Of 2022

Satyawati

APPELLANT

Vs

State Of Uttarakhand &
Others

RESPONDENT

Date of Decision: July 12, 2022

Hon'ble Judges: Vipin Sanghi, CJ; R. C. Khulbe, J

Bench: Division Bench

Advocate: Pooja Tiwari, K.N. Joshi, Nagesh Aggarwal

Final Decision: Disposed Of

Judgement

Vipin Sanghi, CJ

Delay Condonation Application (IA No.01 of 2022)

1. Learned counsels for the respondents fairly do not oppose the delay condonation application.

2. For the reasons stated in the affidavit filed in support of the delay condonation application, delay condonation application is, hereby, allowed, and the

delay of 86 days in preferring this appeal is condoned.

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3. The present special appeal is directed against the judgment dated 03.03.2022, rendered by the learned Single Judge dismissing the writ petition

preferred by the appellant- writ petitioner with liberty to the petitioner to approach the appropriate forum available to her, in law.

4. It appears that certain land was acquired by the National Highways Authority of India under the National Highways Act, 1956, and compensation in

respect thereof was entirely paid to the appellant-writ petitioner on the ground that she is the widow of Late Yashvir Singh, to whom the property

belonged, as a co-owner. Subsequently, respondent nos.4 and 5 staked their claim in the land so acquired. Consequently, the recovery was sought to

be made from the appellant-writ petitioner of 50% of the amount disbursed to her towards compensation, for which the recovery certificate was also

issued. She assailed the recovery certificate. The learned Single Judge dismissed the writ petition since the inter se claim between the appellant on the

one hand, and respondent nos.4 and 5 on the other hand, raised a civil dispute which could be adjudicated in civil proceedings.

5. We have heard the learned counsel for the appellant, as also the learned counsels for the respondents, who are present on advance notice.

6. The appellant states that she shall deposit 50% of the amount of compensation received by her, the total amount being Rs.7,54,917/- in this Court.

The dispute between the appellant, on the one hand, and respondent nos.4 and 5 on the other hand, shall be referred to the competent civil court for

determination of their respective shares, and disbursal of the amount deposited in this Court, as well as any other amounts, that may be found due to

either party, shall abide by the decision of the civil court.

7. The dispute which is referred to the civil court for determination shall be decided within a period of nine months.

8. We direct the parties, i.e. the appellant, and respondent nos.4 and 5, not to seek any undue adjournment in the proceedings. In case, the appellant

deposits 50% of the amount, as aforesaid, within three weeks, the recovery certified issued against her shall not be enforced.

9. The special appeal is disposed of accordingly.

10. Pending application, if any, also stands disposed of.