

PETITIONER:
UNION OF INDIA & ORS.

Vs.

RESPONDENT:
SMT. SATYAWATI & ORS.

DATE OF JUDGMENT: 12/01/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIK (J)

CITATION:
JT 1996 (1) 674 1996 SCALE (1)SP34

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

C.A. Nos. 2361-62, & 2363 of 1996

[@ SLP Nos. 5775-76 & 5780/88]

Leave granted.

Mr. Sanjay Sarin, learned counsel appearing for the respondents has brought to our notice that pursuant to the directions of the High Court, arbitrator had already been appointed and he gave his award. Against the award, appeals, have been filed in the High Court and they are pending. Under these circumstances, it is open to the appellants to raise all the contentions raised in these appeals, in the High Court and the High Court would deal with and dispose them of according to law. Accordingly, we do not think that these are cases for our interference at this stage.

The appeal are accordingly dismissed. No costs.

C.A. Nos. 2364, 2365-66 & 2367-78

[@ SLP Nos. 5774, 5777-78 & 5781-92]

Leave granted.

The controversy raised in these cases is squarely covered by the judgment of this Court in Union of India & Ors. v. Munsha & Ors. [JT 1995 (8) SC 289]. Following the judgment, we are constrained to hold that since no action has been taken by the claimants in communicating the objections for not accepting the award within the time prescribed under the law, it must be deemed that they have accepted the award. Consequently, the omission to appoint the arbitrator under Section 8 [1] (b) the Requisition and Acquisition of Immovable Property Act, 1952 read with Rule 9 [1] of the Rules made under that Act, is not vitiated by any error of law. The High Court, therefore, was not right by directing in the impugned order the appointment of an arbitrator.

The appeal are allowed. The order of the High court in the respective writ petitions is set aside. No costs.

JUDIS