

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **L.A. APPEAL NO. 402 OF 2007**

+ Date of Decision: 30th November, 2010

Khazan Singh & ors Appellants
! Through: Mr. Sunil Mund, Advocate

versus

\$ **Union of India & ors.** Respondents
^ Through: Mr. Sanjay Poddar, Advocate for UOI/R-1
Mr. Deepak Khosla, Advocate for R-2
Ms. Pratibha, Advocate for R-3
Ms. Neelam, Advocate for R-4 & R-5
Mr. Amit Mehra, Advocate for Mr. Ajay
Verma, Advocate for DDA

WITH

% **L.A. APPEAL NO. 326 OF 2008**

Prasadi Appellant
! Through: Ms. Pratibha, Advocate

versus

\$ **Union of India & ors.** Respondents
^ Through: Mr. Sanjay Poddar, Advocate for UOI/R-1
Mr. Deepak Khosla, Advocate for R-2
Mr. Sunil Mund, Advocate for R-3 to R-6
Ms. Neelam, Advocate for R-7 & R-8
Mr. Amit Mehra, Advocate for Mr. Ajay
Verma, Advocate for DDA

WITH

% **L.A. APPEAL NO. 332 OF 2008**

Udai Singh & ors. Appellants
! Through: Ms. Neelam, Advocate

versus

this common judgment.

2. As far as the amount of compensation fixed by the Reference Court is concerned there is no challenge to that by any of the parties in these appeals. The real dispute was between the private parties involved in these appeals regarding their entitlement to get compensation in respect of their lands in different khasras in village Dallupura which had been acquired for the planned development of Delhi. It appears that the lands in dispute were owned by Lakhpat and Dalpat and after the death of both of them their sons have been fighting to get compensation in respect of their shares. It also appears from the Reference Court's record that some disputes had cropped up amongst the legal heirs of the deceased Lakhpat and Parsadi, one of the sons of late Dalpat, in respect of his 1/6th share in some of the acquired lands and some disputes arose between the legal heirs of Dalpat and Lakhpat and one R.S.Kataria who claimed to have acquired interest in the land falling in khasra nos. 475/393(6-0) and 476/393(5-17) by virtue of some transfer documents executed in his favour by late Lakhpat and the legal heirs of late Dalpat. Before that dispute could be resolved, R.S.Kataria assigned his interest in the aforesaid lands in favour of one Chaman Singh, who is now respondent no. 2 in LAA No. 326/08 filed by Prasadi, one of the three sons of late Dalpat. R.S.Kataria thereafter walked out of the scene and his assignee Chaman Singh took over his legal fight. The detailed background facts giving rise

to the inter-se disputes between the legal heirs of Lakhpatt and Dalpat and also with R.S.Kataria, who is now represented by Chaman Singh, have been noted by the learned trial Judge in the impugned judgment and the same need not be stated in this judgment because of the judgment which is going to be delivered by this Court with the consent of all the parties in these appeals. Suffice to say, the disputes primarily centred around certain documents which the loser parties were claiming to be forged while the successful parties were claiming them to be genuine. In that fight the Union of India had no involvement but is aggrieved by the grant of interest on the amount of compensation to the successful parties for certain period which according to it they were not entitled to get.

3. After advancing some arguments, the learned counsel for all the parties agreed that since the trial Court had not touched at all certain very material aspects and had also not framed material issues arising out of the pleadings of the parties the impugned judgment and decree can be set aside and the matter remanded back to the trial Court after framing additional issues for a fresh decision on all the issues framed already as well as the ones to be framed by this Court, after giving opportunity to all the parties to adduce further evidence, if they so desire.

4. After going through the trial Court's record I am also of the view that the matter deserves to be remanded back to the trial Court after

framing some additional issues for a fresh trial on all the issues which are framed already and which are going to be framed by this Court.

5. Accordingly, the following additional issues are framed:-

A. Whether the documents allegedly executed by late Lakhpat and legal heirs of Dalpat, namely, Prasadi, Udai Singh and Jai Singh relinquishing their share in the disputed land in favour of Ram Swarup Kataria are forged? If so, to what extent.

B. If the aforesaid issue is decided in favour of Chaman Singh, whether he is still not entitled to any compensation for the reason that those documents did not in law convey any right or title in respect of the disputed land in favour of Ram Swarup Kataria?

C. Whether appellant Prasadi had executed any assignment deed in respect of his 1/6th share in favour of late Sh. Lakhpat, as is being claimed by his legal heirs?

6. The impugned judgment and decree are set aside and the case is remanded back to the trial Court for a fresh decision on the issues already framed as well as the aforesaid additional issues. The trial Court shall permit the parties to adduce further evidence, if they so desire. Since the matter is being remanded back to the trial Court for a fresh trial, Union of India would also be at liberty to urge before the trial Court that it is not liable to pay any interest for the period during which the proceedings had remained stayed *sine die*. The parties shall appear before the trial Court on 14th January, 2011 at 2.00 p.m. when the case shall be taken up by the trial Court and the trial Court shall make all possible efforts to conclude the fresh trial by 31st December, 2011. The amount of compensation which the Land Acquisition Collector had deposited in this Court and is

stated to be lying invested with a bank in a fixed deposit shall continue to remain invested and shall be subject to the fresh decision of the Reference Court after remand.

P.K. BHASIN,J

November 30, 2010/pg