

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7843 of 2015
Date of decision: 04.12.2015

M/s Pushapk Realtors Pvt. Ltd.

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sanjay Mittal, Advocate for the petitioner.
Mr. Ramesh Kumar, Asst. AG, Haryana &
Mr. Tanuj Sharma, Asst. AG, Haryana,
for respondent No.1.
Mr. Anshul Jain, Advocate for
Mr. Amar Vivek, Advocate for respondents No.2, 3 &
4.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 23.02.2015, evidence of the petitioner-landowner has since been closed by the reference court, which is ceased of the claim of the petitioner, under Section 18 of the Land Acquisition Act, 1894.

I have heard learned counsel for the parties and perused the paper book.

Undoubtedly, landlord-petitioner has been remiss and negligent in pursuing its cause, but it shall be equally true that in case it is not afforded one effective opportunity to lead and conclude its evidence, it shall not only suffer an

incalculable loss, but that might also result in miscarriage of justice. As regards the inconvenience and the delay caused, respondents could always be compensated by awarding the suitable costs. Particularly, when post order, dated 23.02.2015, the matter was fixed for recording of respondents' evidence, but no respondent's witness has been examined so far. Learned counsel for the petitioner submits that only one witness i.e. Sh. Rampal Yadav is to be examined.

That being so, the order dated 23.02.2015 is set aside and the revision petition is disposed of in the following terms:

i) Petitioner-landlord shall be afforded one effective opportunity to lead and conclude its evidence on the date that shall be fixed by the reference court in this regard;

ii) And, only Sh. Rampal Yadav shall be permitted to be examined as witness;

iii) In the event, petitioner fails to lead and conclude its evidence on the designated date, his evidence shall be deemed to have been closed and no further opportunity shall be granted;

iii) This, however, shall be subject to payment of costs of ₹ 20,000/-, that shall be condition precedent.

December 4, 2015
Rajan

(Arun Palli)
Judge

