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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RFA No.2858 of 2008

Date of decision: May 13, 2015

Jai Singh

.....Appellant

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikram Singh, Advocate
for the appellant.

Mr. P.S. Mattewal, Addl. AG Punjab.

Mr. G.S. Chauhan, Advocate for
Mr. A.R. Takkar, Advocate
for respondent No.3.

SABINA, J

This appeal has been filed by the land owner challenging the award dated 07.03.2007, whereby reference sought by the appellant under Section 18 of the Land Acquisition Act, 1984, was dismissed.

Learned counsel for the appellant has submitted that the reference sought by the appellant was dismissed as the appellant had failed to lead any evidence. However, in the connected cases, arising out of the same notification in LAC case No.1019 of 06.12.2000/R.B.T. No.880 of 11.08.2006, decided on 02.02.2008, the reference Court had enhanced the amount of compensation. Appellant be granted one opportunity to enable him to lead his evidence as the case of the appellant was covered by award of the reference Court in LAC case No.1019 of 06.12.2000, R.B.T. No.880 of 11.08.2006, decided on 02.02.2008.

Learned State counsel, on the other hand has opposed

the appeal.

In the present case, reference sought by the appellant under Section 18 of the Act, was dismissed as the appellant had failed to lead any evidence in support of his case. However, in connected cases, the land owners had led their evidence and the reference Court had enhanced the amount of compensation. In these circumstances, it would be in the interest of justice to grant one opportunity to the appellant to enable him to lead his evidence in support of his case.

Accordingly, this appeal is allowed. Impugned award dated 07.03.2007 passed by the reference Court is set aside. The Reference Court is directed to afford one opportunity to the appellant to enable him to lead his evidence at his own risk and responsibility and shall thereafter, proceed with the reference in accordance with law. Parties are directed to appear before the reference Court on 14.07.2015.

**(SABINA)
JUDGE**

May 13, 2015

m.singh