

792-5

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

RFA No.2851 of 2009

Date of decision: May 13, 2015

Dhian Singh and others

.....Appellants

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

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 owners challenging the award dated 07.03.2007, whereby reference sought by the appellants under Section 18 of the Land Acquisition Act, 1984, was dismissed.

Learned counsel for the appellants has submitted that the reference sought by the appellants was dismissed as the appellants 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. Appellants be granted one opportunity to enable them to lead their evidence as the case of the appellants 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 appellants under Section 18 of the Act, was dismissed as the appellants had failed to lead any evidence in support of their 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 appellants to enable them to lead their evidence in support of their 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 appellants to enable them to lead their evidence at their 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