

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.925 of 2014 (O&M)

Date of decision: 11.05.2015

Harsharan Singh and others

..... Appellants

versus

Union of India and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Krishan Singh Dadwal, Advocate for the appellants
Mr. R. S. Madan, Advocate for respondent No. 1 and 2

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

This appeal is against the judgment dated 3.1.2014, passed by the learned Additional District Judge Fast Track Court (ADHOC), Jalandhar, vide which, the case was remanded back to the Arbitrator for fresh decision after giving opportunity to lead the evidence to the parties.

In this case, under challenge is the arbitration award dated 28.4.2011, passed by the Arbitrator-cum-Commissioner, Jalandhar Division, Jalandhar. In this case, some land of the appellant situated in village Chak Alla Baksh, Tehsil Mukerian, District Hoshiarpur was acquired for public purposes i.e. widening and four laning of Jalandhar-Pathankot section of National Highway No.1A.

The learned Additional District Judge Fast Track Court,

(ADHOC) Jalandhar, after going through the evidence, has observed that affidavit of the claimant has been made sole basis for adjudging the value of the property. It was also observed that the interest bifurcated is clearly against the provisions of law. No proper procedure was followed for recording the evidence. Therefore, it was held that the Arbitrator deviated from the settled principles of law and also seriously erred in law in reaching to a conclusion and not giving proper opportunity to the parties. Therefore, case was remanded.

I am of the view that there is no ground to interfere in the said impugned judgment of learned Additional District Judge Fast Track Court, (ADHOC), Jalandhar. Once it is found that proper opportunity was not given and proper procedure was not followed, no fault can be found with the remand order. Accordingly, the appeal is found to be without merit and is dismissed. However, keeping in view the fact that the land was acquired in the year 2004 and now 11 years have elapsed, the Arbitrator is directed to conclude the proceedings as early as possible but not beyond six months and comply with the directions of learned Additional District Judge Fast Track Court (ADHOC), Jalandhar.

11.05.2015
gk

(Kuldip Singh)
Judge