

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3064 of 2014

Date of Decision.22.09.2015

Bheru Ram

.....Appellant

Versus

State of Haryana and another

.....Respondents

2. RSA No.3103, 3197, 3198, 3212 and 3744 of 2014

Present: Mr. P.K. Ganga, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J.(ORAL)

1. All the second appeals are connected and they are being disposed of by this common order. An untenable suit which was rightly dismissed is brought before this Court in second appeal on plea that a claim for damages could be made for what was caused in the year 1996 in a suit instituted in the year 2011. The explanation given for suit of the year 2011 was that the High Court had granted compensation in some case after condoning delay of 2000 days and therefore, that ought to be taken a justification. Determination of compensation by a Reference Court that includes damages is completely different from a claim for damages independently through a suit after compensation for acquisition of land was claimed earlier. In the former, the pendency of the case before the Reference Court or in Appellate Court will save the case from bar of limitation, while in the latter, a fresh claim by suit will

have to abide by the law of limitation.

2. There can be no exclusion of time for a period of limitation which begins to run from the time when the cause of action arises. Cause of action arose in this case when the Government acquired property in the year 1996 and it was supposed to have carried out embankment in the canal and the lands of the plaintiffs had been stated to have resulted in subsidence and flooding and plaintiffs' crops had been damaged. This was supposed to have resulted in the years 1996, 1997 and 1998. A claim for damage cannot be filed in 2011 and it can be no argument that an assessment of damage for some other persons shall have a justification to assess damage and cite those instances as explaining the cause for delay in the plaintiffs' suits themselves.

3. There is no merit at all in the appeals and the second appeals are dismissed as incompetent.

(K. KANNAN)
JUDGE

September 22, 2015
Pankaj*