

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

**RFA No.602 of 2010 (O&M)
Date of decision: 13.1.2016**

Suresh and another

.. Appellant

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Robin Dutt, Advocate
for the appellants.

RAMESHWAR SINGH MALIK, J.

CM-220-CI-2016

Applicant-appellant seeks permission to place on record a copy of the compromise as Annexure A-1 and also prays for deciding the appeal in terms of the compromise arrived at between the parties.

Notice of the application to the counsel opposite.

On the asking of the Court, Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

At this stage, Mr. Surinder Singh Saini, Advocate, appears and accepts notice on behalf of respondents No.4 and 5 namely Subhash Chand and Bhagat Ram.

Mr. R.S. Mamli, Advocate, appears and accepts notice on behalf of respondent No.6.

Learned counsel for the respondents fairly state that since

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the parties have arrived at an amicable settlement, they have no objection in case the appeal is taken up for hearing and decided in terms of the compromise arrived at between the parties.

In view of the above, instant application is allowed, as prayed for. Copy of the compromise is taken on record as Annexure A-1.

CM stands disposed of.

RFA No. 602 of 2010

On the joint request made by learned counsel for the parties, appeal is taken up on board for final disposal.

Learned counsel for the appellants as well as contesting respondents No.4 and 5 jointly submit that parties have amicably settled the matter, which was pertaining only to apportionment of compensation. Reference was only under Section 30 of the Land Acquisition Act, 1894 ('the Act' for short) before the learned Reference Court. They also submit that contesting respondents No.4 and 5 are present in Court and they have been duly identified by their counsel. They would next contend that the learned reference court has granted the amount of compensation in the ratio of 50% each to the appellants as well as respondents No. 4 and 5, but now by way of compromise dated 19.1.2015 (Annexure P-1), they have mutually decided that appellants would be entitled to receive $\frac{2}{3}$ rd share in the total amount of compensation whereas respondents No. 4 and 5 would be entitled to receive $\frac{1}{3}$ rd share in the total amount of compensation. Learned counsel for the parties jointly pray for

modifying the impugned award in terms of the abovesaid compromise.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that since the parties have arrived at an amicable settlement, the impugned award deserves to be modified in terms of the compromise arrived at between the parties and it is ordered accordingly.

Consequently, appellants shall be entitled to receive 2/3rd share in the total compensation, whereas respondent No.4 and 5 namely Subhash Chand and Bhagat Ram shall be entitled to receive 1/3rd share out of total amount of compensation. Lest there be any ambiguity, no separate and independent claim has been put forth on behalf of respondent No.6-Gulab Siungh and in this regard, Sh. R.S. Mamli, Advocate, learned counsel for respondent No.6, fairly states that since respondent No.6 is not a party to the compromise, he does not intend to press for anything in this regard, so far as claim of respondent No.6 under Section 30 of the Act is concerned.

In view of the above, the impugned award passed by the learned reference court is modified in terms of the compromise, as indicated above. Compromise dated 19.12.2015 (Annexure P-1) shall form part of this order. Appeals stands disposed, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

13.1.2016
AK Sharma