

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

**CM No.9346-CI of 2016 in/and
RFA No.172 of 2015 (O&M)
Date of Decision : 22.08.2016.**

Parvati Devi and others

.....Applicant-Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sandeep K. Sharma, Advocate for applicant-appellants.
Mr. Shivendra Swaroop, AAG, Haryana.
Mr. Manjeet Singh, Advocate for respondent No.3.

ARUN PALLI, J. (Oral)

CM No.9346-CI of 2016

This is an application, under Order 41 Rule 27, of the Code of Civil Procedure, seeking permission of this Court, to produce the documents (Annexures A1 to A-5), by way of additional evidence.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of respondents No.1 and 2 and Mr. Manjeet Singh, Advocate on behalf of respondent No.3.

Learned counsel for the respondents submit that they do not wish to file any reply. And, for the existence and authenticity of these documents, that are sought to be produced, is not in doubt, let this application be allowed. Consequently, the application is allowed, and the documents, Annexures A-1 to A-5, are admitted in evidence.

RFA No.172 of 2015

Learned counsel for the appellants submits that the reference Court, vide its award dated 21.10.2014, had dismissed the reference petitions, preferred by the appellants, for they were not even found to be the members of The Hansi Friend Co-operative House Building Society Limited, Hansi (respondent No.3), which indeed was the owner of the acquired land. However, he submits that in the wake of a detailed inquiry and the documents, Annexures A-1 to A-5, status of the appellant Nos. 1 to 6 and 9 as members of respondent-society is no longer in dispute.

Learned counsel for respondent No.3, submits that for the acquired land was owned by the society, it's members could neither maintain a reference nor an appeal in their individual capacity. However, he submits that as the society itself has preferred an appeal i.e. RFA No.10305 of 2014, seeking enhancement in the compensation, awarded by the reference Court, all the members of the society, including appellants No.1 to 6 and 9, shall be entitled to compensation or enhancement, if any, in proportion to their share in the acquired land.

That being so, learned counsel for the appellants submits that let this appeal be disposed of in terms of the statement made by the learned counsel for respondent No.3.

Ordered accordingly.

22.08.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No