

Review Application No. 54-CI of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 54-CI of 2015 (O&M) in
RFA No. 9715 of 2014
Date of decision: 18.1.2016

Prem Singh and others

.. Applicants

v.

The State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ram Bilas Gupta, Advocate for the applicants.

...

Rajesh Bindal J.

Review of the order passed by this court on 15.9.2015 has been sought on the ground that the Reference Court in the case in hand though had awarded ₹ 325/- per square yard as the compensation, however, in appeal filed by the State bearing RFA No. 3083 of 1998, decided on 7.7.1999, the compensation was reduced to ₹ 90/- per square yard and finally, the applicants got only ₹ 90/- per square yard as the compensation and not ₹ 325/- per square yard, as was awarded by the Reference Court and finally determined by Hon'ble the Supreme Court in Ashrafi and others v. State of Haryana and others, 2013(2) RCR (Civil) 856, in cases pertaining to the same acquisition.

No doubt, in the order passed by this court on 15.9.2015, when the appeal filed by the applicants along with application seeking condonation of delay of 5,996 days in filing thereof was dismissed, it was noticed that the applicants had been granted ₹ 325/- per square yard as the compensation. The fact that there was any appeal filed by the State against the award of the Reference Court was not pointed out by learned counsel for

the applicants at that stage. It is not in dispute that the applicants did not prefer any appeal at the stage when the Reference Court had awarded ₹ 325/- per square yard as the compensation. They did not prefer any cross objections in the appeal filed by the State. They were duly represented by a counsel when the appeal was decided and the compensation was reduced by this court from ₹ 325/- to ₹ 90/- per square yard. The applicants did not prefer any Special Leave Petition before Hon'ble the Supreme Court. After Hon'ble the Supreme Court decided the matters pertaining to the same acquisition in Ashrafi's case (supra), the present appeal seeking simpliciter enhancement of compensation was filed. It is also not in dispute that the Reference Court in the case in hand had awarded ₹ 325/- per square yard as the compensation, hence, no case was made out for seeking further enhancement. If the compensation in the appeal filed by the State against the award in the case of the applicants had been reduced, it was for the applicants to avail of their appropriate remedy.

Considering the aforesaid facts, in my opinion, the order passed by this court on 15.9.2015 dismissing the appeal, even in the facts noticed in the present order, does not call for review. Accordingly, the review application is dismissed.

(Rajesh Bindal)
Judge

18.1.2016
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