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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 36/2016

DEEPIJOT SINGH

..... Petitioner

Through

Petitioner with his counsel Mr. Mahesh
Kumar Mehta, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through

None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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15.01.2016

Order impugned before this Court is the order dated 08.12.2015 wherein the application filed by the petitioner under Order 18 Rule 17 read with Section 151 of the CPC had been dismissed and rightly so.

Record shows that a Reference Petition under Section 8 of the Land Acquisition Act was pending adjudication. This Reference Petition is of the year 2011. Issues were framed on 20.11.2007. The evidence of the petitioner was concluded on 31.03.2011. On 01.09.2011, the petitioner had filed an application under Order 16 Rule 1 of the CPC seeking summoning his witnesses which was withdrawn on 03.05.2012 with liberty to move an appropriate application. Two years later, he filed a similar application under Order 16 Rule 1 of the CPC which was again dismissed as withdrawn on 02.05.2014.

The present application under Order 18 Rule 17 of the CPC has been filed on 18.07.2014. This application is wholly misconceived. The

prayer made in the application seeks to set aside of the order dated 31.03.2011 i.e. the order by which the petitioner's evidence stood closed. The petitioner now seeks to lead additional evidence. There are two grounds which are contained in this application. The first is that the land of the petitioner is better located than the lands of his neighbours and as such he is entitled to a better rate of compensation; the second submission is that he has got certain information under Right to Information Act which shows that the DDA has given better compensation to persons who are located in the adjoining Ghevra Village than the petitioner's village located in Tikri Kalan. These informations have to be brought to the fore. Accordingly, the present application was filed.

The Trial Judge had noted the facts in the correct perspective. This Court notes the submission of the petitioner that his land was at a better location than the lands of the neighbours was well known to the petitioner even at the time when he had filed his Reference Petition; details of when the information under the Right to Information Act was obtained has not been filed; details of the compensation awarded in the neighbouring village has also not been disclosed in the application.

The Courts cannot for periods ranging up to eternity extend periods of time for leading evidence even presuming that the interest of the petitioner is at stake. There is a time limit within which the Statute permits a party to follow the procedure including the procedure for leading evidence. Reliance by the learned counsel for the petitioner on the judgment reported as JT 2011 (4) SC 38 K.K. Velusamy Vs. N. Palanisamy is wholly inapplicable. This was a case where the Apex

Court had noted that although the matter was fixed for final arguments yet the submission of the petitioner that his additional evidence would clarify the issue and lead to an effective and just adjudication had not been considered by the Trial Judge. This is not so in the present case. At the cost of repetition, besides no details having been furnished by the petitioner as to the nature of the additional evidence which he proposes to lead and there being no supporting documents in support of his bald plea that the neighbouring village of Ghevra (pursuant to the information obtained under the Right to Information Act) has got better compensation rates and no details as to when this RTI information had been obtained having being given, this Court, in this background, is of the view that the impugned order calls for no interference.

Petition is without any merit. It is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

JANUARY 15, 2016

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