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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 412/2015 & CM No. 24482/2015(stay)

RAJO DEVI & ORS

..... Appellants

Through: Mr. V.P.Rana, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Jai Prakash Sharma, Advocate for
R-4 to 7

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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17.10.2016

1. Counsels for the parties were heard at length. It is seen that the reference proceedings under Sections 30/31 of the Land Acquisition Act, 1894 were decided not at the stage of final arguments, although issues were framed and evidence was being led, but by deciding the preliminary issue of the claim of the appellants who were I.P.Nos. 4 to 7 as being barred by *res judicata*.

2. It is agreed that the judgments of the courts below, of the first appellate court dated 20.2.2015 and the trial court dated 14.9.2015, be set aside without being a reflection on merits of the cases of all the respective parties and the merits of the cases of the respective parties will now be

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decided after evidence of all the parties is completed and at the stage of final arguments without in any manner being affected by any of the observations contained in the impugned judgments dated 14.9.2015 and 20.2.2015.

3. It is also observed that I.P.Nos. 1 and 2 and who are respondent nos. 2 and 3 herein, can move any appropriate application before the reference court, and which observations are made inasmuch as counsel for the respondent nos. 2 and 3 has argued that the I.P. claim of the appellants/I.P.Nos. 4 to 7 left a lot to be desired with respect to giving details of the claims of co-ownership of Sh. Prem Singh with Sh. Pyare Lal. Of course, all such aspects will be decided by the trial court in accordance with law.

4. This appeal is disposed of and the trial court will decide the reference proceedings under Sections 30/31 of the Land Acquisition Act after evidence of the parties is complete and by hearing of final arguments. Trial court is requested to expedite the disposal of the reference proceedings and every endeavour should be made to decide the reference proceedings within a period of nine months of the first date which is fixed by the trial court.

5. Parties to appear before the District and Sessions Judge, North, Rohini

Courts, Delhi on 9.11.2016 and the District and Sessions Judge will mark the reference proceedings under Sections 30/31 of the Land Acquisition Act for disposal to a competent court in accordance with law.

Dasti to counsel for the parties.

VALMIKI J. MEHTA, J

OCTOBER 17, 2016
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