

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.8206 of 2015
Date of Decision:8.9.2017**

Gurnam Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the petitioner.
Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant civil revision petition, at the hands of plaintiff, filed under Article 227 of the Constitution of India, is directed against the order dated 12.10.2015 (Annexure P-1), whereby the learned trial court dismissed the application of the petitioner-plaintiff under Order 6 Rule 17 of the Code of Civil Procedure ('CPC' for short), seeking amendment in the plaint.

Notice of motion was issued.

When the case came up for hearing on 27.3.2017, none came present on behalf of the petitioner and in the interest of justice, case was adjourned for today.

Similar is the position today. Case has been called twice over. Neither anybody has come present to press this revision petition nor any request for pass over has been made on behalf of the petitioner.

Heard learned counsel for the State.

A bare perusal of the impugned order passed by the learned trial court will make it crystal clear that the impugned order does not suffer from any patent illegality or perversity. It is so said because the plaintiff-petitioner wanted to amend his plaint, with a view to challenge the Award No.23 dated 11.8.1981, whereby the land was acquired by the Land Acquisition Collector at public expenses for public purpose. It was specified by the defendants in their written statement that notifications under Sections 4 and 6 of the Land Acquisition Act were issued and the land was acquired for link channel. The Land Acquisition Collector passed Award No.23 dated 11.8.1981 and due compensation for the acquired land was paid to its owners including the plaintiff-petitioner Gurnam Singh. Since the land was acquired for link channel, the beneficiary department, i.e. Haryana State Minor Irrigation & Tubewells Corporation ('HSMITC' for short) disbursed the amount of awarded compensation to the co-sharers including the petitioner. Plaintiff-petitioner received the amount of Rs.3166.39 paise on 7.12.1981. However, the petitioner was conveniently silent in this regard at the time of filing the suit, because no such averment was taken in the plaint as there is not even a passing reference about this Award No.23 dated 11.8.1981. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

There is another relevant fact and it was that when the channel, constructed by HSMITC in the year 2010, was demolished by the plaintiff

and some other co-sharers, FIR No.425 dated 3.11.2010 came to be registered against the plaintiff and his other co-accused at Police Station Ratia. Present suit was filed by the petitioner-plaintiff much later, i.e. in the year 2015. Further, the petitioner, by way of amendment being sought in the plaint, is intending to challenge the validity of Award No.23 dated 11.8.1981, i.e. after a period of long 36 years and that too without there being any explanation in this regard. Under the undisputed facts and circumstances of the case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the instant civil revision petition stands dismissed, however, with no order as to costs.

8.9.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No