

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

RFA No.1695 of 1995  
Date of decision: 30.08.2017

State of Punjab and another

... Appellants

Versus

Jagjit Kaur and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Ms. Lavanya Paul, AAG, Punjab,  
for the appellants.

**ARUN PALLI, J. (Oral)**

State is in appeal against the award rendered by the Reference Court, dated 12.12.1994.

The property of the respondent-land owners i.e. Unit No.1107/A/IV-26, situated in Gali Baghwali, Amritsar, was acquired vide award rendered by the Collector, dated 12.10.1989. The acquired land was assessed @ ₹ 2,31,396/-, whereas the superstructure that existed thereupon was assessed @ ₹ 1,17,586.26 paise. However, a sum of ₹ 70,551.76 paise was deducted by the Collector on account of depreciation of the superstructure. But as the Reference Court, on an analysis of the evidence on record, concluded that the Collector had failed to assign any reason or referred to any criterion on the basis of which a deduction in the value of the superstructure was caused, awarded the deducted amount i.e. ₹ 70,551.76 paise to the respondents. That is how, as indicated above, the State is in appeal before this Court.

Ex facie, the appeal is pending for the last almost 23 years and the respondents remain un-served. Office report dated 11.08.2017 indicates that for the notices issued to respondents No.1 & 2 were received un-served as they were not found residing at the given addresses, office of the Advocate General, Punjab was informed vide repeated communications i.e. letters No.3732 dated 22.02.2017, 2439 dated 20.04.2017 and 1900 dated 13.06.2017, to furnish the current addresses of the respondents. But to no avail.

On being pointedly asked, learned State counsel expresses her inability to provide the particulars of the respondents.

What was awarded by the Reference Court to the respondents was ₹ 70,551.76 paise. The appeal was admitted on 06.10.1995 and since there was no stay in the matter, in all probabilities, the respondents must have executed the impugned award and realized the awarded amount.

In conspectus of the above, the appeal is dismissed for non-prosecution. However, the State shall be at liberty to move an appropriate application for restoration of the appeal and its decision on merits, after it is equipped with current/correct addresses of the respondents.

August 30, 2017  
Rajan

**( Arun Palli )**  
**Judge**

Whether speaking / reasoned:  
Whether Reportable:

NO  
NO