

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

FAO No.966 of 2013 (O&M)
Date of Order: 23.08.2017

The State of Punjab and Ors.

....Petitioners

Versus

Mithlesh Kumari

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Sanjeev Ghai, Advocate for respondent No.1.

JASWANT SINGH, J (ORAL)

Respondent No.1-Mithlesh Kumari filed a reference petition under Section 18 of the Land Acquisition Act, 1894 seeking enhancement of compensation in lieu of her acquired land. The reference was allowed vide an ex parte award dated 01.3.2008.

Thereafter, the Collector, Gurdaspur and the SDM, Gurdaspur etc filed an application under Order 9 Rule 13 CPC for setting aside the aforesaid ex parte award operating against the State of Punjab whereby the compensation had been enhanced in favour of the land owners. The said application under Order 9 Rule 13 CPC was dismissed vide the impugned order dated 06.10.2012 passed by the learned Addl. District Judge, Gurdaspur, hence the present appeal has been filed by the State of Punjab.

At the time of hearing, learned State counsel for the appellants has filed an affidavit dated 23.8.2017 of Sh. Suresh

Kumar, Executive Engineer, Central Works Division, PWD (B&R) Pathankot stating that the entire awarded amount of Rs.3,52,446/- in favour of respondent No.1-Mithlesh Kumari by the Reference Court stands deposited for disbursement.

In view of aforesaid development, learned counsel for the parties are agreed that the present appeal has become infructuous.

Dismissed as infructuous.

August 23, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No