

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

RA-180-CI-2017(O&M); and
RFA No.382 of 2014
Date of decision: 28.07.2017

Ajay Dhull

\ ... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Manish Soni, Advocate for the appellant.

ARUN PALLI J. (Oral)

CM-7492-CI-2017

This is an application seeking condonation of delay of 10 days in filing the review application.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the non-applicant/respondents.

For the reasons set out in the application, the delay that has occurred in filing the accompanying review application is condoned.

CM stands disposed of.

CM-7493-CI-2017

Allowed as prayed for.

RA-180-CI-2017

This is an application under Order 47 Rule 1 CPC, seeking review of the order dated 24.04.2017, vide which the appeal was finally disposed of.

Learned counsel for the applicant submits that the Reference Court, vide impugned award, dated 12.02.2013, though enhanced the compensation awarded to the claimant-land owners, but the land holding of the applicant was considered as Barani, whereas the nature and quality of the said land was Nehri. In reference to the award, dated 10.11.2003

(Annexure P2), he submits that the mistake in the record in this regard was ordered to be rectified by the Collector. Therefore, he submits, the impugned award needs to be modified to that extent and the applicant be awarded compensation at the rate at which the Nehri land was assessed.

The factual position, as set out above, is not disputed by learned State counsel.

Accordingly, the application is allowed. The order dated 24.04.2017 is re-called and the appeal is restored to its original number.

RFA No.382 of 2014

Learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the order and judgment, dated 27.04.2009, rendered by this court in RFA No.1867 of 2007 [**State of Haryana and another v. Mithu Singh and others**]. Therefore, the present appeal be disposed of in the same terms. However, it is pointed out that in terms of the award dated 10.11.2003 (Annexure P2), the mistake in the records showing the land of the appellant as Barani was rectified. Thus, the appellant shall be entitled to the compensation at the rate at which this court had assessed the value of the land that was Nehri.

That being so, the appeal is allowed. The impugned award, dated 12.02.2013, is accordingly modified. The appellant shall be entitled to the compensation in terms of the decision of this Court in Mithu Singh's case (supra), at the rate this Court had assessed the land categorized as Nehri.

July 28, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO