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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 666/2017 & CM No.22860/2017 (for stay)
SHISHPAL Petitioner

Through: Mr. I.S. Dahiya, Adv.

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Adv. for R-1.

Mr. Rakesh Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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12.07.2017

1. This order is in continuation of the order dated 4th July, 2017.
2. The counsel for the petitioner in response to the query made on 4th July, 2017 and as recorded in the order of that date has handed over the copy of the proceedings in the reference proceedings under the Land Acquisition Act, 1894 on 19th August, 2016 when the petitioner closed its evidence and the copy of the proceedings of 9th September, 2016 when the respondent Union of India (UOI) *inter alia* tendered the three sale deeds in evidence. From a direction contained in the said order dated 9th September, 2016 to supply the photocopy of the sale deeds to the counsel for the petitioner, it appears that the sale deeds were presented for the first time on 9th September, 2016. It thus appears that the petitioner at the time of leading his evidence had no occasion to rebut the same.
3. Today, the counsel for the respondent no.1 UOI and the counsel for respondent no.2 Hindustan Petroleum Corporation Ltd. (HPCL) appear on advance notice. I have enquired from the counsels for the respondents that the respondents having filed the three sale deeds after the petitioner had closed his evidence, even though without any objection of the petitioner, how can the petitioner be deprived of an opportunity to rebut the said sale deeds.

4. While the counsel for respondent no.1 UOI leaves it to this Court to decide, the counsel for respondent no.2 HPCL argues that since the petitioner did not object, he has admitted the said sale deeds.
5. The only effect of the petitioner not objecting to the sale deeds being taken on record can be that the petitioner allowed the documents to come on record and in evidence at a belated stage. The same cannot however deprive the petitioner of an opportunity to rebut the said evidence led at a belated stage.
6. The learned Additional District Judge appears to have not considered the matter from the said aspect.
7. Accordingly, the impugned order dated 20th April, 2017 is set aside and the application dated 19th January, 2017 of the petitioner under Section 151 CPC for production of additional documents and for calling the vendor and the vendee of the sale deeds proved by the respondent no.1 UOI is allowed on the condition that the petitioner will lead evidence only to rebut the sale deeds and no other evidence. Yet further condition is placed on the petitioner that the petitioner would not take any adjournment and shall serve and produce the witnesses at his own responsibility.
8. The counsel for the petitioner on enquiry states that he has to examine only three witnesses i.e. Halqa Patwari to show the location of the land subject matter of the sale deeds and the vendor and the vendee of the three sale deeds who are stated to be the same with respect to all three sale deeds.
9. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

JULY 12, 2017/‘gsr’..