

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

Civil Revision No.2896 of 2018.

Decided on:-May 03, 2018.

M/s Panipat Woollen and General Mills Company Limited.

.....Petitioner.

Versus

M/s Rajdhani Project Private Limited and others

.....Respondents.

**CORAM:    *HON'BLE MR. JUSTICE HARI PAL VERMA.***

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Present:-     Mr. Vivek Suri, Advocate  
                     for the petitioner.

**HARI PAL VERMA, J. (Oral)**

The petitioner has filed the present civil revision under Article 227 of the Constitution of India impugning the order dated 17.02.2018 passed by learned Additional District Judge, Mohali, whereby the evidence of the petitioner-claimant was closed by order.

Briefly stated, the petitioner has claimed to be owner of land detailed in para No.2 of the present petition and the same has been acquired by respondent No.3 i.e. National Highway Authority of India for widening/four lanning of National Highway No.205 (old NH No.21) on the stretch of land from K.15.780 to Km. 22.68 (existing road) and from Km. 22.680 to Km.24.980 and from Km.26.820 to Km. 28.470 (proposed bye

pass). An award dated 28.07.2015 was passed in this regard. The petitioner had filed objection against the said award.

Since there was a dispute as regard the apportionment of the compensation amount between the petitioner and respondent No.2 i.e. National Textiles Corporation, the petitioner has filed objection under Section 3-H(3 and 4) of the National Highway Act, 1956 for making reference to the District Judge, Mohali so as to decide the entitlement of compensation amount in respect of the acquired land. The petitioner was required to conclude his evidence, but despite availing numerous opportunities including the last opportunity subject to payment of Rs.1,500/- as cost, the evidence was not concluded. Therefore, learned Additional District Judge, Mohali has passed the impugned order, whereby the evidence of petitioner was closed by order.

Learned counsel for the petitioner has argued that the respondent No.2 has not led any evidence and has rather closed his evidence by making a statement that he does not want to produce any evidence. Therefore, in case one opportunity is granted to the petitioner, it would not cause any prejudice to the respondent No.2 in any manner. He states that no doubt, last opportunity was granted subject to cost, but the petitioner has deposited the same. The petitioner could not lead evidence as there was separate appeal pending between the parties before the Additional District Judge. He prays for grant of one more opportunity to the petitioner to conclude his evidence and is ready to compensate adequately.

I have heard learned counsel for the petitioner.

This Court does not find the reason shown by the petitioner as plausible one as learned trial Court has already granted sufficient opportunities to lead evidence including the last opportunity subject to payment of cost of Rs.1,500/-. However, without observing anything on the merits of the case, but considering the fact that respondent No.2 has closed its evidence without producing any witness or other evidence, one more opportunity is granted to the petitioner to conclude his evidence subject to payment of cost of Rs.25,000/- to be deposited before the District Legal Services Authority, Mohali.

It is made clear that in case the respondent No.2 has led any evidence in the case, the petitioner shall not be entitled to lead evidence. One opportunity is being granted solely on the basis of the statement of counsel for the petitioner that the respondent No.2 has not led any evidence and has made a separate statement to the effect that it does not want to lead any evidence.

The present petition is disposed of at this stage without issuing any notice to the respondents, as it may cause further delay. But in case, the respondents are aggrieved by this order, they are at liberty to move an application for recalling the present order.

**May 03, 2018**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No