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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-4533-2017

Date of decision : 23.02.2018

Harpal

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Sanjiv Gupta, Advocate  
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

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**AMIT RAWAL, J. (ORAL)**

The petitioner is aggrieved of the impugned order dated 03.02.2010 (Annexure P-2), order dated 25.10.2013 (Annexure P-4) and order dated 07.04.2017 (Annexure P-6), whereby the reference under Section 18 of the Land Acquisition Act was dismissed in default and application for recalling as well as application for restoration of the petition were also dismissed.

Mr. Sanjiv Gupta, learned counsel appearing on behalf of the petitioner submits that the landowners have already suffered a loss on account of acquisition of land. The reasons stated in the application that petition Section 18 of the Land Acquisition was not diligently pursued by the counsel, resulting into, dismissal in default. The petitioner remained under impression that the case would be decided along with bunch of the

cases, but on realizing the aforementioned fact, it came to the knowledge that the case was segregated from the bunch matter. In the restoration application, counsel did not appear, resulting into, dismissal of the application. In support of his contentions, he relies upon the *ratio decidendi* culled out by Hon'ble Supreme Court in **“Rafiz and another V/s Munshi Lal and another” AIR 1981 SC 1400**, thus, urges this Court for setting aside the impugned orders, under challenge, subject to terms and conditions so imposed by this Court.

Mr. Rajbir Singh, AAG, Haryana, submits that the party cannot be permitted to linger on the matter at his own sweet will. Court's time has unnecessarily been wasted and in case, this Court deems it appropriate to set aside the impugned orders, heavy cost be imposed.

I have heard the learned counsel for the parties and appraised the paper book and of the view that though the petitioner had been negligent in not pursuing the application for restoration, but the fact of the matter is that the petition under Section 18 of the Land Acquisition Act was attached to the other cases and under that impression, the same would be decided together, therefore, counsel did not appear. Later on, it surfaced that it was not so. In my view, the parties should not be prevented from espousing the cause in claiming the compensation. In order to advance and prevent miscarriage of justice, I deem it appropriate to set aside the impugned orders, under challenge and reference is ordered to restored to its original number subject to payment of costs of ₹5,000/- to be deposited in the Punjab and Haryana High Court Bar Association, Chandigarh, which shall be condition precedent.

With the aforesaid observations, the present revision petition stands disposed of.

23.02.2018  
Yogesh Sharma

( AMIT RAWAL)  
JUDGE

|                           |         |
|---------------------------|---------|
|                           | ✓       |
| Whether speaking/reasoned | Yes/ No |
|                           | ✓       |
| Whether Reportable        | Yes/ No |