

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

RFA No.663 of 1991

Date of Order: 11.12.2018

Balwant Singh

....Appellant

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. G.S. Nagra, Advocate for the appellant.

Ms. Simran Grewal Randhawa, AAG, Punjab.

G.S. SANDHAWALIA, J (ORAL)

The claim for enhancement has been filed by the land owner against the award dated 16.11.1990 passed by the Additional District Judge, Kapurthala on account of acquisition of his shops. The Land Acquisition Collector has granted a sum of Rs.29,270/- against the claim of Rs.2,75,000/- for three shops which has been upheld by the Reference Court giving the reasoning that the acquisition was of the year 1983 whereas the report of the private valuer named Sitara Singh (PW2) is dated 20.6.1988 and, therefore, cannot be relied upon. Thus, the report of the official witness Harbhajan Singh (RW1) has been preferred. It has been noticed in the report (Ex.R.1 and Ex.R2) that the walls were made of mud mortar and the construction was of C type. The said report has been prepared by the official witness after inspecting the premises.

A perusal of the site plan exhibited as Ex.R.2 would also go to show that there is reference of two rooms with only walls and the flooring is

kacha and the walls are made of mud mortar. In such circumstances, finding which has been recorded by the Reference Court adversely commenting upon the report of the private valuer, who visited the premises almost five years after the acquisition and therefore, no benefit could be given to the appellant on such count to give compensation for 7 shops. The reasoning, which has been given to deny the claim on the strength of such witness is justified since it is well known that a private valuer tends to opine favorably and heavily in favour of their pay masters.

No ground is made out for enhancement. Accordingly, present appeal is dismissed.

December 11, 2018
manoj

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No