

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

FAO No. 3990 of 2016 (O&M)

Date of Decision : 11.12.2018

Buta Singh

..... Appellant

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

AJAY TEWARI, J. (Oral)

Present: Mr. Sukhdev S.Kanwal, Advocate
for the applicant-appellant.

Mr. R.S.Madaan, Advocate with
Ms. Manika Madan, Advocate
for respondent No.2.

CM-13707-CII-2016

Reply on behalf of respondent No.2 to the averments made in the application for condonation of delay has been filed and the same is taken on record. Copy supplied to the counsel opposite.

For the reasons recorded, the application is allowed. Delay of 268 days in re-filing the appeal is condoned, subject to the condition that in case the appeal is allowed the applicant-appellant would not be entitled to any interest for the period of delay.

Main case

This appeal has been filed by the land owner against the order

and judgment dated 03.01.2015 passed by Additional District Judge, Jalandhar whereby the objections filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the act') was allowed and the award dated 02.07.2013 passed by the Arbitrator was set aside.

In the present case the land was acquired for widening the National Highway in village Munak Khurd, Tehsil Dasuya, District Hoshiarpur. It is agreed between the parties that the case is covered by the decision of this Court passed in ***FAO No.3190 of 2015*** titled '***Govt. of India and another Vs. Jaswant Singh & others***' decided on 25.05.2016 except that the amount assessed on account of severance as no severance has taken place.

Consequently, the appeal stands disposed of in terms of ***FAO No.3190 of 2015***, however an amount of severance should be deducted from the compensation.

Since the main case has been decided, C.M, if any, also stands disposed of.

11.12.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No