

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3645-2017 (O & M)

Date of decision: 09.08.2018

Balwan Chand

.... Appellants

V/s

Union of India and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Paramjit Rajput, Advocate, for the appellants.

Mr. R.S. Madan, Advocate,
for respondents No.1 and 2.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the order dated 12.03.2015 passed by the Additional District Judge, Jalandhar, whereby petition under Section 34 of the Arbitration and Conciliation Act filed by the respondents No.1 and 2, was allowed and the case was remanded back to the Arbitrator, Jalandhar.

Learned counsel are ad idem that the case is covered by the judgment delivered by this court in FAO-880-2015 on 30.03.2016 titled as 'Union of India and another versus Surjit Kumar and others'. However, learned counsel for National Highway Authority has raised an objection that Arbitrator in the absence of any documentary proof regarding the damage caused to the land owner on account of loss of severance has wrongly awarded loss of severance at the rate 1/3rd of price paid for land to the balance land left.

Learned counsel for the appellants, however, fairly submits that he is giving up this part of the claim.

In view of the above, no further adjudication is necessary.

Appeal is hereby disposed of in terms of *Surjit Kumar's case (supra)*.

CM Nos. 11849-CII-2017 and 11850-CII-2017

Since the main case has been disposed of, no separate order is required to be passed in the present applications.

(RAJAN GUPTA)

JUDGE

August 09, 2018
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No