

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1560-2018 (O & M)

Date of decision: 09.08.2018

Anita and anr.

.... 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. Sunny Deep Juneja, Advocate, for Mr. A.K. Bansal,
Advocate, for UOI.

Mr. R.S. Madaan, Advocate,
for respondent No. 2.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the order dated 30.05.2015 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-6522-2016 on 15.02.2017 titled as '*Mangal Dass versus Govt. of India through Secretary, Ministry of Road Transport and Surface/Highways and others*'. However, learned counsel for National Highway Authority has raised an objection that Arbitrator after having rejected the claim of the appellant on account of loss of business, granted Rs.3. lacs lump sum for the same and Rs.40,000/- for loss of structure boundary wall/gate. He further submits that the learned 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 of Rs.3 lacs in lump sum.

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 *Mangal Dass’s case (supra)*.

CM-6020-CII-2018 and CM-6021-CII-2018

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

August 09, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No