

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

RFA No. 2938 of 2018 (O & M)

Date of decision: 10.07.2018

Naresh Kumar

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Gulshan Nandwani, Advocate,
for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present appeal is directed against the order of the Execution Court under Section 54 of the Land Acquisition Act, 1894 (in short 'the Act'). The appellant was granted the benefit of the award dated 09.02.2011 which had been passed under Section 18 filed by co-sharers. The present appeal has been filed under Section 54 of the Act claiming further enhancement as granted to the other land owners which reads thus:-

“54. Appeals in proceedings before Court.- □Subjecto the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the 3 [Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLIV thereof.”

Counsel has not been able to demonstrate in any manner as to how the impugned order dated 20.11.2015 is an award/decreed against which the appeal would lie under the above said provision.

Faced with this situation, counsel submits that he may be allowed to withdraw the present appeal with liberty to pursue his

alternative remedy, if any, in accordance with law.

Ordered accordingly.

10.07.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

