

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RFA No.5111 of 2017 (O&M)
Date of Decision:21.04.2018

SHARABA AND OTHERS

....Appellants

Versus

STATE OF HARYANA AND OTHERS

.Respondents

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

Present: Mr.Manish Verma, Advocate for the applicant/appellants.

G.S. SANDHAWALIA, J. (ORAL)

CM No. 12797-CI-2017

Applications under Section 151 of the Code of Civil Procedure, 1908 seeking exemption from filing the certified copies of award dated 18.11.2015 passed by Learned Additional District Judge, Kaithal and Award dated 22.03.2007 passed by learned Land Acquisition Collector is allowed as prayed for.

CM stand disposed of.

CM No.12798-CI-2017

This is an application for condonation of delay of 546 days in filing the accompanying appeal. In view of the averments made, duly supported by an affidavit, the delay of 546 days in filing the appeal is condoned.

CM stands disposed of.

Main case

Counsel for the appellants points out that the enhancement granted by the Reference Court on 18.11.2015 was from Rs.5.00 lakh per acre to Rs.11,40,000/- lakh per acre for the land situated in Village Meoli, District Kaithal of notification dated 22.02.2005. Reference Court relied upon the award dated 16.02.2015 (Exhibit P-A) titled as “***Siria (now deceased) through LRs and others Vs. State of Haryana and others***” while enhancing the compensation. It is submitted that the said land owner had filed RFA No.3216 of 2017 which was dismissed on 06.11.2017 and the amount of compensation has been affirmed and was not enhanced. The relevant portion of the orders reads as under:-

“ Learned counsel for the appellants, fairly points out, tht the matter in issue is squarely covered by the judgement dated 19.11.2015, rendered by this Court in RFA No.4611 of 2015 (Jogi Ram and others Vs. S.D.O. Irrigation Department Pundri and others), vide which, the appeals preferred by the claimant/ landowners against the award rendered by the reference Court, awarding compensation at Rs.11,40,000/- per acre were dismissed. And, the assessment was since affirmed by this Court. Therefore, it is submitted that the present appeal too shall have to be disposed of in the same terms.

Ordered accordingly.

CM-7516-CI-2017

For, vide order of even date, I have disposed of the appeal on merits being covered by the decision of this Court, no separate order is required to be passed in this application.

CM stands disposed of.”

In view of the above, the present appeal also warrants no interference. Accordingly, no enhancement is liable to be granted and the appeal is dismissed.

21.04.2018

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(G.S.SANDHAWALIA)
JUDGE

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