

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

**RA-RS No.130-C of 2016 in
RSA No.4214 of 2016**

Matu Ram and Anr.

...Applicants-Appellants

Versus

Dhanno Devi and Ors.

....Respondents

Date of Order: 08.5.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Salar, Advocate for the applicants-appellants.

Mr. J.S. Cooner, Advocate for the respondents.

AMIT RAWAL, J (ORAL)

Prayer in the instant application is for reviewing the order dated 22.8.2016 passed in RSA No.4214 of 2016, which was dismissed by this Court.

This Court on 27.10.2016 while issuing notice in the review application had passed the following order:

“CM No.14498-C of 2016

The application is allowed, subject to all just exceptions. Document, Annexure A-1 is taken on record.

C.M.No.14499-C of 2016

For the reasons stated in the application, duly supported by an affidavit, delay of 23 days in filing the review application is condoned.

C.M stands allowed.

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Contends that the applicant/appellant had purchased the land measuring 9 biswas out of 39 biswas of the defendants and khasra no.144/116 (10-0) out of 10

bighas equivalent to 200 biswas, whereas, the notification was with regard to 2 bighas and 9 biswas. There is clear cut recital that the land is acquired from this khasra number, it will be from the share of Dhano Devi. This fact could not be brought to the notice of the Court during the course of arguments, therefore, there is an apparent error on record.

Notice of the application to the non-applicant/respondents, for 17.01.2017.

In the meanwhile, the parties shall maintain status quo qua possession as it exists today.”

It is stated that the applicant-appellant/plaintiff had claimed declaration seeking ownership qua the land measuring 0-9 biswa from Khasra No.144/116 as per sale deed dated 12.2.1988 allegedly executed by the respondent-defendants.

Learned counsel for the applicant-appellant submitted that out of the land measuring 39 biswa of the defendants, the plaintiff is in possession of land measuring 9 biswa from Khasra No.144/116 (10-0) whereas the Notification for acquisition of the land is with regard to land measuring 2 bigha and 10 biswa, therefore the order passed by this Court may be recalled.

In the reply filed by the non-applicant/respondent, said fact has not been disputed.

Consequently, present review application is allowed and order dated 22.8.2016 is recalled and the appeal is restored to its original number.

Let the appeal be heard on 12.7.2018.

LCR be summoned.

**May 08, 2018
manoj**

**^(AMIT RAWAL)
JUDGE**

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