

\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 73/2016 & CM Appln. 12220/2016

VEENA SOIN & ANR Appellants

Through: Mr. Aly Mirza, Advocate

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Sanjay Kumar Pathak,
Ms.Koumudi Kiran Pathak, Mr.Sunil
Kumar Jha, Mr. Kushal Raj Tater,
Mr.M.S. Akhtar, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **24.04.2018**

1. The appellants have challenged the judgment dated 9th December, 2015 passed by the Reference Court whereby the Reference Court has enhanced the compensation by applying the circle rates. The cross-appeal LA.APP.291/2016 was taken up by this Court on 21st December, 2017 and the impugned judgment of the Reference Court was set aside and the matter was remanded back to the Reference Court for recording of additional evidence in terms of the judgment of the Supreme Court in ***Union of India v. Savitri Devi***, 2017 SCC Online 1400.

2. Learned counsel for the appellants submits that the similar order be passed in this appeal also and the appellants be permitted to lead additional evidence.

3. This appeal is allowed and the matter is remanded back to the Reference Court for recording of additional evidence in terms of the judgment of the Supreme Court in ***Union of India v. Savitri Devi*** (supra)

and the Reference Court shall pass a fresh order in accordance with law.

4. Learned counsel for the appellants seek refund of the Court fees under Section 13 of the Court Fees Act, 1870 read with Order XLI Rule 23 of the Code of Civil Procedure, 1908 which provides for refund of the Court fees. Considering that the Reference Court had disposed of the reference on a preliminary point by taking the circle rates and the remand has been made of this preliminary point of law, the prayer for refund of the Court fees is allowed and the registry shall grant a certificate authorising the appellant to receive back the full Court fees paid on the memorandum of appeals from the Collector of Stamps.

5. The parties shall appear before the Reference Court on 2nd May, 2018.

6. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

APRIL 24, 2018

dk