

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

450

**RFA No.1509 of 1991
Decided on : 09.07.2019**

Kartar Kaur

... Appellant

Versus

Sukhdev Singh

... Respondent

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

Present : None.

G.S. Sandhawalia, J. (Oral)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Bathinda dated 07.02.1986. Vide the impugned award, the reference petition under Section 30 of the Act has been decided and the claim of the appellant for 1/4th share of the compensation amount of the tubewell has been declined.

The supplementary award was announced by the Land Acquisition Collector on 16.12.1982, in respect of the tubewell and allied structures acquired for the Defence Department in the revenue estate of village Gobindpura, Tehsil and District Bathinda.

Respondent-Sukhdev Singh had given an application that the tubewell was installed at his own expense and compensation be given to him. A dispute as such had arisen since Kartar Kaur was asking that she be given 1/4th share, thus, the matter was referred for apportionment of the compensation amount. After framing the issues, the reasoning given by the

Reference Court after examining the evidence of the witnesses is that Karnail Singh had appeared as AW-1, who was the neighbour of the respondent in his support. In his evidence he deposed that he had sold one Ropal Engine for ₹5,300/- to the respondent and a receipt (Ex.A1) was issued by him. He had also charged ₹1,500/- service charges. It was noticed an enquiry was also made by the Inquiry Officer regarding acquirement of the tubewell and the appellant had gave a statement before the Inquiry Officer alongwith Smt. Rakhi that the tubewell had been installed by Sukhdev Singh and he had purchased it from Karnail Singh, therefore, he was the only person entitled to receive the compensation.

It was noticed that Kartar Kaur had also filed a suit for permanent injunction on the same pleadings that she has 1/4th share in the tubewell, which had been dismissed as withdrawn vide order Ex.A3. The revenue record had also showed that Sukhdev Singh was in cultivating possession and keeping in view the cumulative evidence and the statements of the parties, the benefit had been given to Sukhdev Singh regarding the whole amount of the tubewell. Kartar Kaur was held not entitled to get the any amount of the tubewell, as having not spent any amount for the installation of the tubewell.

The said reasoning as such does not suffer from any infirmity or illegality, being based on the evidence which has come on record. In such circumstances, this Court is of the opinion that no ground is made

out to interfere in the well reasoned order passed by the Reference Court,
in the absence of any better evidence being produced by the appellant
Accordingly, the appeal is dismissed.

JULY 09, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No