

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

XOBJR-10-CI-1998 IN RFA-2084-1997

Date of Decision: 12.03.2019

SDO (Civil) Ropar-cum-
Land Acquisition Collector, Rupnagar & Anr. ... Appellant

VS.

Man Singh ... Respondent

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

Present: Mr. Pritam Saini, Advocate for cross-objector/respondent

Ms. Simran Grewal Randhawa, AAG Punjab

G.S. SANDHAWALIA, J. (Oral)

The main appeal was decided on 16.01.2019. Since the cross-objection was not listed, the office listed the same on 08.02.2019. The cross-objection filed by the landowner under Order 41 Rule 22 CPC is pertaining to the nominal compensation granted for the 70 guava trees belonging to Man Singh-landowner. While deciding the main case, the issue of fruit bearing trees was duly considered by this Court in para 20&21 of the judgment dated 16.01.2019 and no interference was done on that account. The relevant portion reads as under:-

“20. Similarly, for the fruit bearing trees, RW-1, Sukhjinder Singh, Horticulture Development Officer prepared the report and it was noticed that there was variation regarding the age and quality of the fruit bearing trees and the interest of valuers was involved and, therefore, falling back on the report prepared by RW-1 Sukhjinder Singh who had prepared the same at the spot, which was counter signed by the Assistant Director, Horticulture, cannot be faulted in any manner. A perusal of the statement of RW-1 Sukhjinder Singh, who had

*prepared the report in the case of **Joginder Singh (supra)**, would also go on to show that the trees were not fruit bearing at the spot and they were of third category and only in two cases the trees were of second category. Resultantly, additional compensation ranging from ₹1,000/- to ₹8,000/- was given to the six persons seeking enhancement on account of the compensation of fruit bearing trees.*

21. Similarly, for the non fruit bearing trees, it was kept in mind that the eucalyptus trees can give upto three crops and, there was waiting period of 25 years and, therefore, the value of each tree was taken @ ₹250/- to work out the compensation and the benefit was, accordingly, granted, to enhance the compensation for eucalyptus trees. In such circumstances, no fault can be found for the compensation which has been fixed for structure, trees and tubewells etc. No case is made out for interference for the said count.”

Keeping in view the above, since the matter has been dealt with in detail on an earlier occasion, no further scope for enhancement on the issue of trees in favour of the landowner is made out.

Accordingly, the cross-objection is dismissed in view of the above observations.

12.03.2019

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**(G.S. Sandhawalia)
Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No