

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

SAILESH RANJAN
2019.07.17 16:45
I attest to the accuracy and
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RFA No.6742 of 2011 (O&M)

Date of decision: 05.07.2019

Mahender

....Appellant(s)

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Arun Jain, Sr. Advocate with
Mr. Amit Jain, Advocate
Mr. Neeraj Jain, Sr. Advocate with
Mr. Ajit Malik, Advocate
Mr. Ashwani Talwar, Advocate and
Mr. Aakash Shreedhar, Advocate
Mr. Navneet Singh, Advocate
Mr. Alok Jain, Advocate
Mr. Manoj Yadav, Advocate
Mr. R.S. Malik, Advocate
Mr. R.S. Yadav, Advocate
Mr. S.R. Hooda, Advocate
Mr. S.P. Khatri, Advocate
Mr. Virender Khatri, Advocate
Mr. Gaurav Tyagi, Advocate for
Mr. Ashok Tyagi, Advocate
Mr. Ajit Singh Lamba, Advocate
Mr. Gautam Kaile, Advocate for
Mr. Ashwani Antil, Advocate
Mr. Virender Rana, Advocate
Ms. Parveen, Advocate for
Mr. R.S. Budhwar, Advocate
Mr. Praful Rana, Advocate for
Mr. R.K. Arya, Advocate
Mr. Rambir Yadav, Advocate
Mr. Chirag Kundu, Advocate
Mr. Sushil Jain, Advocate
Mr. Suchin Kadyan, Advocate
Mr. Ashwani Gaur, Advocate
Mr. Vikram Punia, Advocate
Mr. S.K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate
Mr. Ramesh Hooda, Advocate
Mr. Karan Singh, Advocate
Mr. Rahul Vats, Advocate, for the landowners.

Mr. Sudeep Mahajan, Addl.A.G., Haryana.
Mr. Abhinash Jain, AAG, Haryana.
Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
Mr. Vishal Garg, Advocate for the HSIIDC.

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G.S. SANDHAWALIA, J.

CM-15798-CI-2011

Application has been filed under Order 41 Rule 27 read with Section 151 CPC for placing on record as additional evidence the sale transaction by HSIIDC to private parties as Annexure A-1, in support of claim for enhancement of compensation for the notification dated 13.08.2004 for the land falling in Village Jatheri.

A perusal of the said document which is letter dated 14.06.2010, addressed to Shri D.S.Khatri, Advocate at Sonapat, would go on to show that it gives the information of allotment of three large tracts of land, two of them measuring 25 acres and the third measuring 43750 sq.meters to M/s Reliance Industries Ltd. The allotment is of the year 2006 @ Rs.3000-4000/- per sq.meter.

As noticed, the notification is of the year 2004 and therefore, the said evidence which are sought to be placed on record, would not depict the market value, as such. Even otherwise, it is settled principle that allotment made by the developing agencies do not denote the correct market value and cannot be taken into consideration. The judgment of the Reference Court, Sonapat was passed on 09.04.2011 and the communication is dated 14.06.2010. The landowners had sufficient time to bring the same on record but they did not do so and for that reason also, the provisions of Order 41 Rule 27 CPC are not satisfied as no specific averment has been made as to why the landowners could not produce the same on record for the benefit of the Reference Court. A solitary averment that the transactions were not in the knowledge of the

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landowners at the time of the evidence, is not, as such, bona fide, in the facts and circumstances. Even otherwise, the Apex Court in **Satish Kumar Gupta & others Vs. State of Haryana & others 2017 AIR (SC) 1072** has held that the provisions of Order 41 Rule 27 CPC have to be duly complied with as to why the said material could not be brought on record and cannot be used to fill up the lacuna.

Resultantly, in view of the above discussion, the said evidence would not be helpful, as such, for this Court to pronounce judgment and therefore, the present application for placing on record additional evidence is hereby dismissed.

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For the reasons assigned in detailed judgment of even date passed in RFA No.4101 of 2008 titled as “HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others”, the present appeal is disposed of.

05.07.2019
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No