

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

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**RFA No.3364 of 2018 (O&M)
Decided on : 03.09.2019**

Phoolwati

... Appellant

Versus

Sukhdev and others

... Respondents

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

Present: Mr. Rakesh Kumar Sharma, Advocate
for the appellant.

G.S. Sandhawalia, J. (Oral)

CM-7480-CI-2018

Application for condoning the delay of 97 days in refiling the appeal is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. The delay of 97 days in refiling the appeal is condoned.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award dated 30.08.2017 passed by the Reference Court, Gurugram. The appellant herein was the petitioner before the Reference Court whose claim has been denied on the ground that she has not been able to prove that she is the owner of the property, which was 100 square yards measuring 22.5 x 40, situated in the revenue estate of village Choma, Tehsil & District Gurugram.

It is to be noticed that the claim is on the basis of General Power of Attorney (Ex.P1) and the Will (Ex.P2). The appellant only produced herself and claimed that she had given a sum of ₹3,60,000/- to respondent No.1-Sukhdev on the basis of which she claimed the compensation on account of the land having been acquired, vide notification under Section 4 of the Act dated 25.01.2008. The Collector had granted ₹60 lakhs per acre vide Award dated 23.12.2009 and on account of the dispute, the petition under Section 30 of the Act had been filed. The official respondent submitted that they had already deposited the compensation amount in the Court being a disputed matter.

In the absence of any independent evidence on record and the fact that immovable property cannot be legally transferred or conveyed through a General Power of Attorney, Agreement to Sell or Will, the Reference Court has declined to grant any benefit as such to the appellant. Reliance has rightly been placed upon the judgment of the Apex Court passed in '**Suraj Lamp and Industries Pvt. Ltd. Vs. State of Haryana AIR 2012 SC 606.**

Counsel also could not point out from the revenue record as such that any entry had been made in favour of the appellant that she was in possession, on the basis of which she would claim compensation being a interested person, on account of the fact that she had a General Power of Attorney and a Will. In the absence of any such proof regarding the plot having been transferred in her name and the sale consideration having been passed, the finding which has been recorded by the

Reference Court does not suffer from any infirmity.

Accordingly, keeping in view the above, there is no merit in the present appeal and the same is dismissed in limine.

SEPTEMBER 03, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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