

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

**CM-2549-CI-2019 in/and
RFA-5606-2017**

Date of decision: 18.03.2019

Siria (deceased) th LRs & othersAppellants
Versus
State of Haryana & others ...Respondents

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

Present: Mr.Parveen Sharma, Advocate, for
Mr.Vineet Chaudhary, Advocate, for the applicant/appellants.

G.S. SANDHAWALIA, J. (Oral)

CM-2549-CI-2019

Application has been filed under Order 41 Rule 19 CPC, for restoration of the appeal which was dismissed on 21.02.2019, for want of prosecution.

Accordingly, in view of the averments made in the application, duly supported by affidavit of counsel, same is allowed and the main appeal is restored to its original number.

CM stands disposed of.

CM-13874-CI-2017

Application for condonation of delay of 32 days in refiling the present appeal is hereby condoned, in view of the averments made in the application, duly supported by affidavit. Delay of 32 days in refiling the present appeal is hereby condoned.

CM stands disposed of.

CM-13875-CI-2017 in/and RFA-5606-2017

Application has been filed for condonation of delay of 676 days in filing the present appeal, against the award of the Reference Court, Kaithal dated 16.02.2015.

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CM-2549-CI-2019 in/and RFA-5606-2017

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Counsel for the appellants very fairly submits that RFA-4611-2015 titled *Jogi Ram & others Vs. S.D.O.Irrigation Department Pundri & others*, decided on 19.11.2015, has been dismissed, upholding the award of the Reference Court, whereby compensation has been assessed @ 11,40,000/- per acre. Relevant portion of the judgment reads as under:

“It is not disputed by learned counsel for the appellants that no documentary evidence in the form of sale-deed was brought on record by the landowners which could justify any further increase. The landowners had produced only oral evidence to show the value of the acquired land, which cannot be relied in isolation for assessment of value of the acquired land. In the absence of any documentary evidence in the form of sale instances, the learned court below has assessed just and fair compensation for the acquired land. The same does not call for any interference by this court. This Court in RFA No. 1714 of 2009 *State of Haryana and another vs Pala Ram and others*, decided on 1.5.2012 had upheld the award of the learned Court below assessing compensation @ ₹ 11,40,000/- per acre for the land pertaining to same village acquired for construction of BML Hansi Bhutana Multipurpose Link Channel vide notification dated 23.8.2005.

Accordingly for the reasons mentioned above, the appeal is dismissed.”

Accordingly, keeping in view the above, this Court does not feel prudent, as such, to proceed ahead on the application for condonation of delay or on the main appeal, as the case is covered by the said fact and the same are hereby dismissed.

18.03.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No