

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

RFA No.752 of 2017 (O&M)

Date of Decision: 31.05.2019

M/s D.D. Auto Pvt. Ltd.

....Appellant(s)

Versus

The State of Haryana and others

....Respondent(s)

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

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Anupama Arigala, Advocate,
Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate,
Mr. Ashok Aggarwal, Advocate,
Mr. S.K. Tripathi, Advocate,
Mr. Adarsh Jain, Advocate,
Mr. Sushil Jain, Advocate,
Mr. Kulbhushan Sharma, Advocate,
Mr. Ram Bilas Gupta, Advocate,
Mr. Bikram Chaudhary, Advocate,
Mr. Shiv Kumar, Advocate,
Mr. Amit Jain, Advocate,
Mr. R.D. Bawa, Advocate,
Mr. Anand Bhardwaj, Advocate,
Mr. Sandeep Jindal, Advocate,
Mr. Gaurav Singla, Advocate,
Mr. Tushar Sharma, Advocate,
Mr. Manoj Sood, Advocate,
Mr. Sandeep Sharma, Advocate,
Mr. B.R. Rana, Advocate,
Mr. Chirag Kundu, Advocate,
Mr. Kunal Dawar, Advocate,
Mr. R.K. Kapoor, Advocate,
Mr. Deepender Singh, Advocate,
Mr. Aditya Jain, Advocate,
Mr. Vikas Chaudhary, Advocate,
Mr. Sunil Kumar Rana, Advocate,
Mr. J.S. Saneta, Advocate, for the landowners.

Mr. Sudeep Mahajan, Addl. AG, Haryana,
Ms. Vibha Tiwari, AAG, Haryana,
Mr. Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J.

CM-1972-CI-2017

Application for placing on record registered sale deeds by way of additional evidence has been filed. It has been averred that the sale deeds contain details regarding the higher price paid by the appellant in view of the land purchased and, therefore, the sale deed dated 25.01.2006 (Annexures A-1 to A-3) and dated 09.03.2007 (Annexure A-4) have been filed alongwith the present application. The said application has been filed after the main case had already been decided on 16.09.2015 on an earlier occasion and copy of the said order has also been appended as Annexure A-5 alongwith the application.

As noticed the matter had been remanded by the Apex Court in **Civil Appeal No (s).21014-21016 of 2017 'Premwati & others Vs. State of Haryana and another'** decided 06.12.2017. There is voluminous evidence already on record pertaining to village Neemka. The notification in question in the present case is 14.08.2008. The three of the sale deeds as such have been executed on 25.01.2006 (Annexures A-1 to A-3), which are sought to be brought on record are more than 2 ½ years prior to the date of notification and, therefore, would not give the correct market value of the land. In the main case also which is decided by a detailed judgment of even date, the sale deeds closer in point of time have been considered. Similarly, the sale deed 09.03.2007 (Annexure A-4), is already on record in the other bunch of cases as Ex.P24 and, thus, there is no requirement to place the same on record, which has been duly considered.

Thus, keeping in view the provisions of Order 41 Rule 27 CPC and the law laid down by the Apex Court in **'Satish Kumar Gupta and others Vs. State of Haryana and others'** AIR 2017 SC 1072, the appellant

cannot bring on record the sale deed dated 25.01.2006 which was registered in its favour, as the appellant was not diligent enough to produce it before the Reference Court also at the first instance. The application also does not give any reasons why the sale deeds were not produced before the Court at the first instance. It has also been held in the said judgment that the applicant cannot be permitted to fill up the lacuna by way of filing application for additional evidence and a case has to be made out under the provisions of Order 41 Rule 27 CPC. Even otherwise, the application is not liable to be allowed in the abovesaid facts and circumstances. Resultantly, the same is dismissed.

CM stands disposed of.

Main appeal

For the reasons assigned in detailed judgment of even date passed in RFA No.7108 of 2012 titled as “**Rampal and others (II) Vs. Land Acquisition Collector and another**”, the present appeal is disposed of.

31.05.2019

Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No