

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

1. RA-RF-53-CI-2016 (O&M) in RFA-741-2014

Rakesh and another ... Applicants.

Versus

State of Haryana and others ... Respondents

2. RA-RF-54-CI-2016 in RFA-742-2014

Anil Kumar ... Applicant.

Versus

State of Haryana and others ... Respondents

Decided on : 16.09.2019

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

Present : Mr. Vikas Singh, Advocate
for the applicants/review appellants.

Mr. Shivendra Swaroop, AAG, Haryana

G.S. Sandhawalia , J. (Oral)

Two separate applications for reviewing the order dated 20.11.2015 have been filed by the landowners on the ground that the cases were not listed alongwith RFA No. 3120 of 2013, when the main case has been disposed of and the present cases are also disposed of in the terms of the said case.

Vide order dated 24.01.2019 office was directed to give report whether two appeals were shown for Regular hearing. The report, as such, has come in the positive that the appeals were shown.

Faced with this situation, Mr. Vikas Singh, Advocate submits that the ground for review as such is not correct. It is, however, submitted that two appeals were against the order of the reference Court, whereby the petitions filed under Section 18 of Land Acquisition Act, 1894 were

dismissed on the ground of limitation. The said issue was never touched when the bunch was decided on 20.11.2015 and therefore on that ground, the order is liable to be recalled in these two present appeals.

Admittedly the market value was enhanced by Reference Court. It is further pointed out that this Court has maintained the said award, but the Apex Court has further enhanced the same and therefore the appellants would be prejudiced in case they are not heard on the issue of limitation.

It is apparent from the short order also that the counsel for the appellants was not present and this fact was not brought to the notice of the Coordinate Bench of this Court. Keeping in view the same, the order dated 20.11.2015 is liable to be re-called.

Accordingly, the review applications are allowed subject to conditional costs of Rs.2500/- in each case, to be deposited with the Advocates Benevolent Fund of the Punjab and Haryana High Court Bar Association. The order dated 20.11.2015 is recalled.

The appeals are ordered to be restored to their original number.

16.09.2019
dinesh

(G.S. Sandhwalia)
Judge

Whether speaking/reasoned: Yes
Whether Reportable: No