

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

124+1937

FAO No.291 of 2015 (O&M)

Date of decision: 05.03.2020

Chhajja Singh (deceased) thr Lrs and ors.

... Appellants

Versus

Union of India and anr.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jaspal S. Maanipur, Advocate for the appellants.

Mr. Anil Chawla, Advocate for Union of India.

REKHA MITTAL, J. (Oral)

CM No.5150-CII of 2020

Heard.

Reply to the application for additional evidence on behalf of the respondent, is taken on record.

Disposed of.

CM No.9833-CII of 2019

Prayer in this application is for impleading legal representative(s) (in short "LRs") of Chhajja Singh-appellant No.1.

In view of averments made in the application supported by an affidavit of Harmail Singh son of Chhajja Singh and arguments advanced, application is allowed and person mentioned in para 4 of the application is allowed to be brought on record as LR of Chhajja Singh-appellant No.1 (since deceased), subject to just exceptions, for the purpose of present lis only.

Amended memo of parties is taken on record.

Disposed of accordingly.

Main Case

Challenge in the present appeal has been directed against the award dated 07.11.2014 passed by the District Judge, Patiala while exercising the powers of Arbitrator under the Requisition and Acquisition of Immovable Property Act, 1952.

Perusal of the award would reveal that claim of appellants for

grant of additional compensation was rejected on account of their failure to prove any sale deeds etc. that can be used as instances for allowing additional compensation. The appellants have filed application seeking permission to adduce additional evidence in respect of sale deed dated 05.04.2000 pertaining to adjoining land of the appellants, sale deed dated 12.04.1971 and copy of collectors rates of the period 01.04.2005 to 26.05.2006. Since the sale deeds ipso facto cannot become the basis for allowing additional compensation unless it is examined as to what is the nature of land acquired vis a vis the land subject matter of the sale deeds, location of acquired land and land sold through the aforesaid sale deeds, it would be in the interest of justice that the matter be remitted to the Arbitrator for decision of the case afresh with liberty to the appellants to adduce additional evidence and evidence in rebuttal, if any, by the respondents.

In view of what has been discussed hereinbefore, the appeal is allowed. The impugned award is set aside and the matter is remitted to the Arbitrator for decision of the case afresh on the basis of materials already on record and additional evidence to be adduced by the appellants/claimants and evidence in rebuttal, if any, by the respondents. The Arbitrator shall also examine various other aspects involved in the case such as that acquisition was made in the year 1969 and compensation stands paid to the claimants in 2005. Parties through their counsel are directed to appear before the Arbitrator on 15.04.2020. The Arbitrator shall complete proceedings within three months of the parties putting in appearance. Application for additional evidence stands disposed of accordingly.

05.03.2020

ashok

(REKHA MITTAL)
JUDGEWhether speaking/reasoned:
Whether reportable:Yes / No
Yes / No