

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

CR-1649-2021(O&M)

Date of decision:-20.8.2021

Shamsher Singh and others

...Petitioners

Versus

The Land Acquisition Collector, Gurugram and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Atul Yadav, Advocate
for the petitioners.

Ms.Shubhra Singh, Addl.A.G., Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

Despite this Court while disposing of RFA No.487-2013 and other connected matters vide judgment dated 18.11.2019, specifically directing that three effective opportunities be given to both sides to produce the relevant sale deeds so that market value can be assessed and matter was remanded to reference Court with a direction to decide the Reference Petitions within a period of one year from the date matters are first taken up by the Reference Court, petitioners – Shamsher Singh etc. could not conclude their evidence despite availing of three effective

opportunities and several other opportunities, resultantly their evidence was closed by the Reference Court vide order dated 1.7.2021, leaving the petitioners aggrieved and they have challenged the said order by way of filing the present civil revision petition craving for grant of another opportunity to tender in evidence certified copies of awards passed in other cases for acquisition of the land pertaining to the same village vide different notifications and certified copies of sale deeds.

Notice of motion.

Ms.Shubhra Singh, Addl. A.G., Haryana, accepts notice on behalf of respondents. She has stated that this Court may pass any order, which is deemed proper and appropriate under the circumstances.

Learned counsel for the petitioners has fairly admitted that the petitioners could not conclude their evidence despite being granted three effective opportunities and some other opportunities by the Reference Court. However, he has stated that there was no intentional lapse on the part of the petitioners and such situation arose on account of breaking out of Covid-19 pandemic. He further stated that the petitioners would not ask for further adjournment and are just to tender in evidence certified copies of awards passed in other cases for acquisition of the land pertaining to the same village vide different notifications and certified copies of sale deeds.

Though while disposing of the appeals, this Court had granted three opportunities to both the parties to lead evidence but an unprecedented situation has arisen on account of breaking out of Covid-19 pandemic affecting the lives of people severally restricting their

movements and working of the Courts was also adversely affected. It is to be taken note of that rules of procedure are meant for advancing the ends of justice and the Courts, which are required to do substantial justice are not to get bogged down in technicalities.

Therefore, in the interest of justice and for effective adjudication of the dispute between the parties, the revision petition is accepted. Resultantly, the petitioners are afforded an opportunity to tender certified copies of awards passed in other cases for acquisition of the land pertaining to the same village vide different notifications and certified copies of sale deeds, as mentioned above, subject to the payment of Rs.20,000/- to be deposited with District Legal Services Authority, Gurugram.

It is stated that the Reference Court had fixed the case for 1.9.2021 for evidence of the respondents. The petitioners may tender certified copies of awards passed in other cases for acquisition of the land pertaining to the same village vide different notifications and certified copies of sale deeds in their evidence on that date i.e. 1.9.2021 itself.

20.8.2021

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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No