

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

Date of decision : 21.12.2021

1.

CR-3450-2021(O&M)

Renu Bala

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

2.

CR-3451-2021(O&M)

Bhushan Kumar

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Mukul Aggarwal, Advocate
for the petitioner (in both the cases).

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This order of mine shall disposed off two revision petitions being *CR-3450-2021* titled as “*RenuBala Vs. State of Punjab and others*” and *CR-3451-2021* titled as “*Bhushan Kumar Vs. State of Punjab and others*”. The said revision petitions have been filed for setting aside the order dated 22.11.2021 (Annexure P-4) passed by the Reference Court, Bathinda whereby the evidence of the petitioners has been closed.

Learned counsel for the petitioners would contend that vide order dated 05.10.2021 passed by this Court in RFA No.1247 of 2019 along with the connected cases, the Award passed by the Reference Court was set aside and the matter was remanded to be re-decided afresh after granting an opportunity of leading further evidence, if any, to both the parties within a period of three months. Learned counsel for the petitioners would further contend that the file was received by the Reference Court on 01.11.2021 and on that day the parties were directed to file their list of witnesses within seven days along with process fee and diet money and the witnesses were to be summoned for 16.11.2021. On 16.11.2021, a further date was given for producing the evidence on 22.11.2021. However, on 22.11.2021 also the evidence could not be produced and the evidence of the claimants-petitioners was closed. Learned counsel for the petitioners would further contend that the opportunities given were not effective inasmuch as the matter pertained to acquisition of the year 2008 and it was taking some time to collect the evidence.

Learned counsel for the petitioners would further contend that now the entire evidence is ready with the claimants-petitioners and the same would be produced on the next date of hearing i.e. 23.12.2021. Learned counsel for the petitioners would further contend that the contesting parties are only respondent Nos.1, 3 and 4 inasmuch as the land had been acquired by the State of Punjab and the matter has been pursued by the State of Punjab alone.

Notice of motion.

Mr. Vikas Mohan Gupta, Addl. AG Punjab accepts notice on behalf of respondent Nos.1, 3 and 4. In view of the statement made by learned counsel for the petitioner, service upon respondent No.2 is dispensed with.

Learned counsel for respondent Nos.1, 3 and 4 would contend that the matter has already been delayed and in RFA No.1247 of 2019 along with other connected matters, a period of three months was given to the Reference Court to decide the entire matter afresh and the petitioners have been given enough time for leading their evidence.

Heard learned counsel for the parties.

Admittedly, the acquisition pertains to the year 2008. The file was received, after remand, by the Reference Court on 01.11.2021 and the petitioners are stated to have taken some time to collect all the evidence. The period given between two dates of hearing was about seven days which, as per learned counsel for the petitioners, was not enough for collecting all the evidence. Learned counsel for the petitioners has stated that the claimants-petitioners would require one opportunity and would lead their entire evidence at their own risk and responsibility on the next date of hearing i.e. 23.12.2021.

In view of the above and keeping in view the fact that it's a claimants' appeal and their land stood acquired in the year 2008 and since then they have been pursuing their case and in order to complete the justice, I deem it appropriate to allow the present petitions and grant the claimants-

petitioners one last opportunity to lead their entire evidence on the next date of hearing i.e. 23.12.2021.

It is made clear that no further opportunity is to be granted to the petitioners for leading their evidence.

Disposed off accordingly.

21.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO