

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

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LPA No.621 of 2020 (O&M)
Date of Decision: October 14th, 2022

DHBVNL and others

...Appellants

Versus

Rubi and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Puneet Jindal, Senior Advocate
with Mr. Tajinder Singh, Advocate
for the appellants.

Mr. Bhupander Ghangas, Advocate
for respondents No.1 to 3.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana,
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.1677-LPA of 2020

Prayer in this application is for placing on record additional documents Annexures A-1 and A-2 i.e. written statement dated 13.03.2014 along with exhibits filed before Permanent Lok Adalat, Bhiwani and order dated 02.06.2014 passed by the said Court.

Application is allowed subject to just exceptions.

Documents Annexures A-1 and A-2 along with above referred to documents are taken on record.

LPA No.621 of 2020

Challenge in this appeal is to the judgment dated 26.09.2019 passed by the learned Single Judge, whereby the writ petition was allowed and compensation was awarded to the private respondents.

2. It is the contention of learned counsel for the appellants that as a matter of fact, a compromise was entered into between the parties and the

private respondents, in pursuance thereof, the amount which was settled between the parties, had also been paid to respondent No.1 as respondents No.2 and 3 were her minor children. His submission is that once a compromise has been entered into between the parties, the appellants did not have any occasion to file a detailed reply to the writ petition which was preferred, rather a short reply by way of affidavit was filed in the writ petition highlighting the said aspect of compromise/settlement entered into between the parties. The learned Single Judge on 26.09.2019, when the impugned order was passed, verified the aspect that the signatures of respondent No.1 were indeed her signatures on the said settlement, which is apparent from the order, however, without giving any opportunity of filing a detailed reply to the writ petition, thus, denying the appellants an opportunity to defend their case on merits, proceeded to decide the writ and grant compensation. Counsel for the appellants has also referred to the merits of the matter, however, in the light of the order, which we propose to pass, we do not intend to deal with the same as it is not part of the pleadings before the Writ Court. Objection with regard to maintainability of the writ petition has been tried to be projected by the counsel for the appellants.

3. Counsel for the respondent, on the other hand, has made an effort to defend the order passed by the learned Single Judge by contending that a categorical finding has been returned by the learned Single Judge with regard to the settlement being not in consonance with the entitlement of the respondents. He further asserts that the relevant factors have been taken note of and considered by the learned Single Judge while proceeding to assess the compensation amount and has rightly granted so. He, however, could not dispute the fact that on 26.09.2019, when the case was taken up

for hearing on the said date, a compromise was indeed entered into between the parties, which was the basis for filing a short reply by way of an affidavit by the appellants.

4. Having considered the submissions made by the counsel for the parties and keeping in view the fact that no opportunity has been received by the appellants to contest the case on merits, we would proceed to remand the case back to the learned Single Judge for decision on merits by setting aside the impugned order.

5. Let the reply to the writ petition be filed by the appellants within a period of three weeks from the date of appearance before the learned Single Judge, which is fixed as **01.11.2022**.

6. It is made clear that no further adjournment shall be granted to the appellants for filing the written statement to the writ petition.

7. The appeal stands disposed of accordingly.

8. In the light of the disposal of the appeal, CM No.1678-LPA of 2020 stands disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 14th, 2022
Puneet

(ALOK JAIN)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No