

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

CR-5052-2022 (O&M)

Date of decision:12.12.2022

Laj Bala

....Petitioner

Versus

The Land Acquisition Collector and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Arjunveer Sharma, Advocate for the petitioner
Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. On 11.11.2022, after hearing the learned counsel representing the petitioner, the following order was passed:-

“Learned counsel representing the petitioner, inter alia, contends that the various reference petitions, filed by the various other owners, who are identically situated, are still pending before the Reference Court, however, the application filed by the petitioner, for the restoration of the proceedings, in her reference petition, has been dismissed.

Notice of motion.

At the asking of the Court, Mr. Sandeep Chopra, DAG, Punjab, accepts notice on behalf of the State of Punjab. Respondent no.3-Greater Ludhiana Area Development Authority is only a beneficiary of the acquisition. Hence, the service of notice on respondent no.3 is dispensed with.

List on 12.12.2022, for further consideration, in the urgent list.”

2. Learned counsel representing the respondents admits that as many as 9 reference petitions filed by the various other landowners, who are identically situated, are pending. However, he submits that the application for restoration of the reference petition has been filed after the lapse of 5 years.

3. Once the connected petitions are pending, the application filed for restoration of the petition, which was dismissed in default, should be allowed, while denying the interest to the petitioner for the period of delay in terms of the judgment passed in **Imrat Lal and others vs. Land Acquisition Collector and others (SC) 2015 (2) RCR (Civil) 437, Dhiraj Singh (Deceased) through Lrs vs. Haryana State and others, 2015 (2) RCR (Civil) 507 and Jethu Ram (Deceased) through L.Rs vs. Union of India and others, 2016(4) Law Herald 312.**

4. The Reference Court has emphasized that no application for condonation of delay has been filed.

5. By now, it is a well settled law that the filing of a separate application for condonation of delay is not necessary, in view of the judgment passed in **Bhagmal and others vs. Kunwar Lal and others (2010) 12 SCC 159** wherein it has been held that if the assertions made in the application seeking restoration of the petition discloses sufficient reasons to seek the condonation of delay, filing of a separate application for the condonation of delay is not mandatory. In this case, in the restoration application, the petitioner has asserted as under:-

2. That the applicant being an old age lady, appointed Avtar Singh son of Santokh Singh as her attorney to file the above said petition and to look after the day to day proceeding of the case. He has engaged Sh.Sanjiv Malhotra Advocate, as his counsel above said petition. for contesting the above said petition.

3. That Sanjiv Malhotra Advocate told the attorney of the applicant that the presence of the applicant was not required in the court on each and

every date of hearing and he will inform the applicant or her attorney as and when the presence of the applicant or attorney be required in the court.

4. That on believing to the assurance given by the said counsel, the applicant and her attorney did not come present before the court.

5. That in the last week, the attorney of the applicant went to the office of defendant No.1 and inquired about the enhancement of compensation of the land of the applicant, the officials of defendant No.3 informed the attorney of the applicant that since, the petition u/s 18 of Land Acquisition Act, filed by the applicant had already been dismissed by the court and as such, no further action has been taken by the GLADA office for the enhancement of compensation amount. Thereafter, immediately, the attorney of the applicant/petitioner engaged new counsel who checked the case status of the said petition by e-court services, and came to know about the dismissal of the petition on 05.09.2014 by the court of Sh.Kurnesh Kumar, ADJ, Ludhiana for non appearance on behalf of the applicant or attorney.

6. That the absence of the applicant, if any is neither intentional nor willful on the part of the applicant, but due to the reason stated above.”

6. In the opinion of this Court, the petitioner has disclosed sufficient reasons to seek the condonation of delay.

7. Hence, the order under challenge is set aside. The petition stands allowed.

8. All the pending miscellaneous applications, if any, are also disposed of.

12.12.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE