

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

CR-6327-2023

Date of Decision: October 20, 2023

**USHA DEVI**

..... Petitioner

Versus

**STATE OF HARYANA and ORS.**

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. S.P. Khatri, Advocate for the petitioner.  
Mr. Shivendra Swaroop, DAG, Haryana.

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**HARKESH MANUJA, J. (ORAL)**

By way of present revision petition, prayer has been made for issuance of directions to the Reference Court-cum-Additional District Judge, Sonipat for expeditious disposal of CM-1057-2018 titled as “Smt. Usha Devi Vs. State of Haryana and Ors.” wherein, prayer has been made for seeking restoration of the reference petition bearing No.LAC-10-2014 (“Smt. Usha Rani Vs. State of Haryana etc.”).

2. In the present case, land of the petitioner situated in revenue estate of Village Nangal Kalan, Tehsil Rai and District Sonipat came to be acquired vide notifications dated 01.04.2008 and 15.01.2009 issued under Sections 4 and 6 of Land Acquisition Act, 1894 (hereinafter referred to as 1894 Act) followed by an award dated 23.07.2009. Aggrieved thereof, the petitioner invoked reference under Section 18 of 1894 Act which got dismissed in default on account of non-appearance vide order dated 29.10.2014. Thereafter an application

came to be filed under Order 9 Rule 8 CPC seeking its restoration wherein notice was issued and same is pending consideration for the past almost 5 years.

3. Learned counsel for the petitioner submits that delay in disposal of restoration application is causing serious prejudice to rights of petitioner-landowner as the amount of compensation already stands enhanced in favour of other similarly situated landowners.

4. I have heard learned counsel for the petitioner and gone through the paper-book.

5. A perusal of application shows that the same was filed seeking restoration of reference petition bearing No.LAC-10-2014 ("Smt. Usha Rani Vs. State of Haryana etc.") in 2018 and upon completion of pleadings, it is pending for final arguments since 2021 and for the past almost two and a half year, the hearing has not been concluded. The delay in disposal of restoration application is prejudicial to the interest of petitioner-landowner as well as the respondents who may face the liability of interest towards the delay in disbursement in case the restoration application is allowed.

6. In view thereof, the present petition is disposed of with a request to Reference Court to dispose of the application bearing No. CM-1057-2018 titled as "Smt. Usha Devi Vs. State of Haryana and Ors." within a period of three months from today. It has been pointed out on behalf of the petitioner that the proceedings before the Reference Court have now been adjourned for 15.01.2024. Accordingly,

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the petitioner shall be at liberty to move an appropriate application seeking its preponement which shall be disposed by the Reference Court considering the observations made hereinabove.

- 7. Disposed of in the aforesaid terms.
- 8. Pending application(s), if any, shall also stand disposed of.

20.10.2023  
tejwinder

( HARKESH MANUJA )  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |