

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

CR-6259-2023

Date of Decision: October 18, 2023

CHHUTMAL

..... Petitioner

Versus

VEERABAI AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. V.K. Pandey, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 09.10.2023 passed by the Court of Addl. District Judge, Nuh, whereby, the evidence of petitioner-landowner has been closed in a reference petition filed under Section 3H(4) of National Highways Act, 1956 (hereinafter referred to as 1956 Act).

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

3. A perusal of paper-book shows that the evidence of the petitioner-landowner was closed on the day of second opportunity granted to him although, on the first occasion he examined six witnesses as reflected from the order dated 02.09.2023 (Pg-76 of Paperbook). Though, the direction was issued by this Court vide order dated 15.11.2021 passed in CWP-23057-2021 for disposal of reference petition, preferably within a period of six months, however, a perusal of the zimni orders (Pg-39 to 75) attached along with paper-book shows that proceedings in the reference petition were adjourned for one reason or the other between 03.12.2021 and 07.08.2023 merely, on account of consideration upon application filed under Order 1 Rule 10 CPC besides, filing of additional pleadings.

4. Considering the fact that the present petition relates to Section

3H(4) of 1956 Act wherein, substantial rights of the parties are involved as regards the apportionment of compensation against acquisition of land and in case, the parties are not afforded adequate and sufficient opportunity to prove their case, it would amount to denial of principles of natural justice besides, the same being in violation of Article 300-A of Constitution of India.

5. In view thereof, the impugned order dated 09.10.2023 passed by the Court below is hereby set aside and the present revision petition is allowed. The Court below is requested to afford two more effective opportunities to the petitioner so as to conclude his entire evidence. The petitioner also undertakes not to cause unnecessary delay towards disposal of the reference petition.

6. The present petition is being disposed of without issuance of any notice to respondents as the same may cause further delay in disposal of reference petition filed before the Court below and may go against the spirit of order dated 15.11.2021 passed in CWP No.23057 of 2021 besides, burdening the contesting respondents with unnecessary litigation expenses.

7. In case, the contesting respondents find any mis-statement of fact on the part of petitioner, they shall be at liberty to approach this Court.

8. Disposed of in the aforesaid terms.

9. Pending application(s), if any, shall also stand disposed of.

18.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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

