



\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 769/2010**

MUKHTIAR SINGH

.....Appellant

Through: **Mr. J.R. Mathur, Advocate**

versus

UNION OF INDIA & ANR

.....Respondents

Through: **Mr. Sanjay Kumar Pathak, Standing Counsel with Ms. K. K. Kiran Pathak, Mr. Sunil Kumar Jha and Mr. M.S. Akhtar, Advocates for R-1/UOI Ms. Mahima Anand, Advocate for Mr. Parvinder Chauhan, Advocate for R-2/DUSIB**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

15.07.2024

%

1. The present appeal is filed under section 54 of the Land Acquisition Act, 1894 to set aside the judgment and decree dated 12.12.2007 passed by the court of Mr. S.S. Handa, Additional District Judge, Rohini Courts, Delhi in LAC bearing no. 250/2005 in respect of award bearing no. 2/2004-05 pertaining to the revenue estate of village Sawda, New Delhi.
2. The counsel for the appellant by referring the impugned judgment and decree dated 12.12.2007 stated that the appellant was not given proper opportunity to lead evidence to claim enhanced compensation and referred in particular the para nos. 10 and 11 of the impugned judgment and decree



dated 12.12.2007. The counsel for the appellant further stated that the concerned reference court in respect of the same award has granted the enhanced compensation in LAC bearing no. 2032A/12 vide judgment dated 31.10.2014. The counsel for the appellant prayed that the appellant be given an opportunity to lead evidence in support of his claim of enhanced compensation.

3. The perusal of impugned judgment and decree dated 12.12.2007 reflects that the issue no. 2 regarding the entitlement of the appellant for enhanced compensation was decided against the appellant as the appellant had failed to adduce any evidence to prove the entitlement to receive enhanced compensation.

4. Mr. Sanjay Kumar Pathak, Standing Counsel for the respondent no.1/Union of India stated that the appellant has failed to lead evidence before the reference court despite several opportunities and the appeal should not be remanded back by mere asking of the appellant. It is further stated that the appeal bearing no. 337/2017 titled as **Union of India V Maha Singh (Deceased) Through LR**s pertaining to the same village and award preferred by the respondent no.1/Union of India is pending before this Court.

5. After considering all facts, the impugned judgment and decree dated 12.12.2007 is set aside and the appeal bearing LAC no. 250/2005 is remanded back to the concerned reference court for fresh decision after giving opportunity to the appellant to lead evidence on the date so fixed by the concerned reference court.

6. The appeal is accordingly disposed of.

7. The concerned parties are directed to appear before the reference



court on 05.08.2024 at 2:30 PM for further directions.

JULY 15, 2024
N/ABK

DR. SUDHIR KUMAR JAIN, J