

RSA-3155-2023 (O&M)

2025.11.11 HC-159293



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

**CM-13645-C-2025 in/and
RSA-3155-2023 (O&M)
Date of decision : 11.11.2025**

Raj Kumar

..... Appellant

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Rajnikant Upadhyay, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

CM-13645-C-2025

This is an application for restoration of main appeal which was dismissed vide order dated 14.10.2025 for want of prosecution.

For the reasons mentioned in the application, the same is allowed. Main case is taken on Board today itself.

RSA-3155-2023

1 Appellant-Plaintiff is in second appeal aggrieved of judgment and decree passed by both the Courts below. For convenience parties hereinafter are referred to by their original position in the suit, i.e. the appellant as plaintiff and the respondents as defendants.

2 Plaintiff filed suit seeking damages of Rs.5.00 lakhs from the defendants claiming delay in payment of compensation. As per the case of



the plaintiff, his land was acquired by State of Haryana. He, along with his two brothers, were owner in possession of 54 kanal and 4 marlas of land. Accordingly, he was entitled for compensation of 19 kanal. Despite having completed all the formalities, compensation was not paid by the defendants. He made a representation to the Land Acquisition Collector on 15.12.2006 and came to know that an amount of Rs.38,43,697/- on account of compensation for 18.46 kanal already stands disbursed by the defendants in his name. FIR was lodged.

3 Plaintiff claims that he borrowed Rs.1.00 lakh from his relative for purchase of land in village Mauja Garhi Bohar Tehsil and District Rohtak in order to settle at an alternate place. Agreement to sell was entered into with one Ratan Singh son of Raghubir for purchasing land. Hopeful of getting compensation plaintiff agreed to pay balance sale consideration of Rs.7.00 lakhs to vendor out of the same. However, due to delay in payment of compensation by the defendants, the agreed date to execute the sale deed expired. Plaintiff could not honour his part. Ratan Singh, vendor, forfeited amount of Rs.1.00 lakh which led to financial loss to the plaintiff.

4 Plaintiff further claimed that from 17.11.2005 till 05.08.2008 he and his family had to survive on borrowed money. Ultimately, the plaintiff had to file CWP No.2588 of 2007. High Court vide order dated 28.05.2008 directed defendants to make payment within 10 days. Amount of Rs.38,43,697/- was paid to the plaintiff in the month of June but without interest. The plaintiff was again constrained to file COCP No.707 of 2008. An amount of Rs.2,16,089/- was paid but without litigation expenses.



5 Suit was contested by the defendants. Delay in making payment of compensation on account of fraud committed by Revenue officials was admitted. The story put forth by the plaintiff regarding execution of agreement to sell and forfeiture of earnest money was denied. Factum of payment of compensation pursuant to the orders passed by the Writ Court and the interest in deference of the order passed by the Contempt Court was remitted.

6 Suit filed by the plaintiff was put to trial by the Court of the First Instance framing following issues :-

- “1. Whether the plaintiff is entitled to a decree for damages of Rs 5 lacs, as prayed for? OPP*
- 2. Whether the suit of the plaintiff is not maintainable in the present form ? OPD*
- 3. Whether the plaintiff has no locus-standi to file the present suit? OPD*
- 4. Whether the plaintiff is estopped by his own act and conduct to file the present suit? OPD*
- 5. Whether the plaintiff has not come to the court with clean hands and has suppressed the material facts from the court ? OPD*
- 6 Relief.”*

7 On issue No.1 the Court found that even though delayed payment of compensation to the plaintiff is an admitted fact and that he has been paid the compensation only after filing of the writ petition and interest after filing of COCP, but there is no evidence on record to prove that the plaintiff suffered any loss on account of delay of execution of agreement to purchase land as claimed. Suit filed by the plaintiff was accordingly dismissed.



8 The aforesaid findings recorded by the Court of First Instance stand affirmed by the Lower Appellate Court.

9 Learned counsel appearing for the appellant has assailed the findings recorded by the Courts below. It has been contended that the plaintiff had to wait for more than three years to receive the compensation. During the said period he tried to settle at an alternate place. The same could not fructify as the plaintiff was not in a position to pay balance sale consideration due to delay in payment of compensation. The Courts below have, thus, erred in ignoring the said facts, which have led to perversity in the judgment.

10 I have heard learned counsel for the appellant and have gone through the records of the case.

11 Counsel for the appellant does not dispute that the cause of action to claim damages on account of delayed payment of compensation was available to the plaintiff at the time of invoking writ jurisdiction of the High Court under Article 226 of the Constitution of India. For the reasons best known to the plaintiff, he opted not to claim damages on account of delayed payment of compensation. Thus, the present suit *dehors* merits is barred under Order II Rule 2 CPC.

12 The plaintiff claims damages on account of forfeiture of earnest money claiming that he entered into an agreement to purchase land from one Ratan Singh. The agreement to sell remained unproved. Neither vendor nor any attesting witnesses were examined. So far as delay in payment of



compensation is concerned, the plaintiff stands compensated by paying interest, which admittedly the plaintiff has received.

13 In view thereof, this Court finds no reason to interfere in the well-reasoned findings recorded by the Courts below.

14 Finding no merits in the present appeal, the same is ordered to be dismissed.

15 Pending miscellaneous application, if any, also stands disposed off.

11.11.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No