IN THE HIGH COURT OF JHARKHAND, RANCHI
M.A. No.664 of 2018

1(a).Bhuneshwari Devi, aged about 54 years, wife of late Tikendra Choudhary

(b) Shantanu Kumar, aged about 43 years, son of late Tikendra Choudhary

(c) Renuka Kumari, aged about 31 years, d/o late Tikendra Choudahry

(d) Uttam Kumar, Choudhary, aged about 29 years, son of late Tikendra Choudhary

(e) Ranjana Kumar, aged about 26 years, d/o late Tikendra Choudhary, All residents of 117, Rajendra Road, Near Post Office, PS Rajrappa, V.T.C.-Saundi, PO Saundi, Sub Division-Chitapur, Disrtrict Ramgarh, Jharkhand- 829 150

..... Substituted Appellants

-- Versus --

1.Union of India, through the Chairman-Cum-Managing Director, Central Coalfields Limited, Darbhanga House, P.O.-G.P.O., P.s.-Kotwali, District- Ranchi

2.General Manager (L&R), Central Coal Fields Limited, Darbhanga House, PO GPO, PS Kotwali, District Ranchi

3.Circle Officer, Ramgarh, P.O and PS Ramgarh, District Ramgarh (Earlier Hazaribagh) ***.....Respondent/ Opposite Parties***

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellants(s) :- Mrs Ritu Kumar, Advocate
For Respondent-C.C.L :- Mr. Amit Kumar Sinha, Advocate

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*12****/17.09.2026*** Heard Mrs Ritu Kumar, the learned counsel appearing on behalf of the substituted appellants of the original appellant/claimant as well as Mr. Amit Kumar Sinha, the learned counsel appearing on behalf of the respondent/Opposite Party-

Central Coal Fields Limited [CCL].

2. This Miscellaneous Appeal has been preferred under Section 20 of Coal Bearing Area (Acquisition and Development) Act, 1957 [hereinafter to be referred to as 'the Act of 1957', for the sake of brevity].

3. In the instant Miscellaneous Appeal, challenge is made against the judgment dated 29.09.2018 passed by the learned Additional Judicial commissioner 1st Cum Tribunal, Ranchi under the Act of 1957. Further, the learned Tribunal has been pleased to dismiss the Reference Case No.07 of 1998 filed under Section 17(2) of the Act of 1957, filed by the claimant.

4. Mrs. Ritu Kumar, the learned counsel appearing on behalf of the substituted appellants/claimants submits that the original appellant/ claimant has left for his heavenly abode and, thereafter, his legal heirs/ successors have been substituted by the order dated 06.08.2026 and, now, the legal heirs/ successors of the original appellant/ claimant are pursuing this miscellaneous appeal.

5. Mrs. Ritu Kumar, the learned counsel next submits that the original claimant/ appellant has *raiyati* interest over the land in respect of Plot NO. 656 measuring an area of 9.00 acres, Plot No. 1134 measuring an area of 7.19 acres and in respect to Plot No. 1216 measuring an area of 2.00 acres, Total Area of 18.19 acres under Khata No. 83, Thana No. 155 situated in Mouza-Sewai under Police Station Ramgarh, District Ramgarh (Earlier Hazaribagh) on

the basis of Hukumnama Purcha, Zamindari Receipt Government Receipts. His name has also been duly entered in the Register II and in Bujharat Register and he was in possession of the land. She also submits that District Land Acquisition Officer, Hazaribagh has also declared his land as "Raiyati Manyata" in the year 1989 vide order dated 03-04-1989 passed in Case No. 3/86-87 as contained in Annexure-1 of the memo of appeal. She next submits that aforesaid land was recorded in the name of mother of the Claimant /Appellant Bilasho Devi who died on 22-11-1990. The father of the Claimant also died on 06-07-1990. The Claimant is the only son of the Bilasho Devi wife of Debki Nandan Choudhary. She also submits that now the original claimant has left for his heavenly abode and now his legal heirs/ successors are pursuing the appeal and they are entitled. She next submits that the respondent C.C.L. has acquired the said land by Notification being S.O. No. 3894 dated 29-12-1962 under section 4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 for establishment and development of "Rajrappa Project" of the erstwhile N.C.D.C. a Central Government Corporation for Mining of the Coal. She next submits that subsequently the said National Coal Development Corporation [NCDC] has been merged into Central Coalfields Limited [CCL] and C.C.L. is responsible for payment of compensation for the land acquired. She next submits that till date the compensation has not been paid to the claimants by the C.C.L, however, the land is being

utilized by the respondent CCL. She also submits that the claimants have made several representations to the General Manager, Rajrappa Project vide Representations dated 08-09-1995,13-11-1989 and dated 06-09-1990, but, the respondent-C.C.L. has not paid compensation to the Claimant. She submits that in the aforesaid background, the claimants, on 07.03.1988 has filed Application u/s 17(2) of the Coal Bearing Areas (Acquisition & Development) Act, 1957 before the Learned Tribunal at Ranchi constituted under the aforesaid Act for declaration of his right, title and possession over the acquired land under the Act of 1957 in light of the nationalization in the year 1971 and for fair amount of compensation at the rate of Rs.15000/- only per decimal as well as claim of 30% solatiam with 15% interest and 12% extra compensation u/s 23 (IA), 23(2), 28 and 34 of the said the Act of 1957 as contained in Annexure-2 of the memo of appeal. She further submits that the aforesaid documents are already received in the present appeal as by the earlier order, the trial court record was called for. She next submits that, however, by the judgment dated 29.09.2018, the learned Additional Judicial Commissioner II Cum Tribunal, Ranchi under the Act of 1957 has been pleased to dismiss the Reference Case No.07/98 filed by the original claimant. She submits that the said reference case has been dismissed only on the ground that the original appellant has not been able to file the return in the Form-'K'. She next submits that considering the said acquisition, the original

claimant was appointed by the respondent –C.C.L in terms of the Land Acquisition Policy, however, on the other hand, by the aforesaid judgment, the learned Tribunal has been pleased to dismiss the claim, which is contrary.

6. She further submits that in the aforesaid background, she has filed the I.A. No.9843 of 2024 under Order XLI Rule 27 of the C.P.C to lay additional evidence in this appeal. She next submits that the appellant/claimant was a villager and subsequently the original appellant was given employment in Category-I and the said Category is said to be of Mazdoor Class. She further submits that the original claimant was not knowing about the procedure and he was not explained about the importance of the Purcha in question, and in view of that, it has not been filed before the learned court. She next submits that claim of other claimants, namely, Shakuntala Devi, Taleshwari Devi, Kunti Devi, Puspa Devi, Asha Devi, Nirasha Devi as well as Sushila Devi has been allowed by the same learned Tribunal by the judgment dated 29.09.2018 as contained in Annexure-1 to the I.A filed under Order XLI Rule 27 of the C.P.C. By way of referring para-5 of the said judgment, she submits that Khata no.83 total area 14.19 acres has been shown there to be acquired, and she submits which clearly suggests that the land of the claimant was acquired. She next submits that in the said judgment, Ext.8/d was the Return submitted by the Ex-landlord regarding Mauja Sewai that Smt. Kalawati Devi has ben allotted area

14.77 acres as raiyat in Khata no.83 and other Khatas and based on the same, the claim of the aforesaid claimant has been allowed in Reference Case no.94-95 of 1993 respectively. She next submits that Annexure-2 is the Purcha which has been later on obtained and at Sl.No.76, the name of Bilaso devi is there who happened to be grand-mother of the present claimants who have been substituted in place of the original claimant/ appellant in the present memo of appeal. In the aforesaid background, she submits that the instant petition has been filed under Order XLI Rule 27 of the CPC for additional evidence which may kindly be allowed and those documents may kindly be treated as 'additional evidence'.

7. Mr. Amit Kumar Sinha, the learned counsel appearing on behalf of the respondent/Opposite Party-Central Coal Fields Limited [CCL] submits that those documents were not there in the claim case of these appellants and in view of that the learned Tribunal has passed the said order.

8. On query made by the court, Mr. Sinha, the learned counsel appearing on behalf of the respondent/ CCL fairly submits that the Claim Case No.94/1993 was dismissed and 95/1993 was allowed considering those documents. He also submits that, it is for the Court to accept the additional evidence at the appellate stage if the conditions made under Order XLI Rule 27 of the CPC are made out by the appellants-herein. He next submits that there is no due diligence to allow the said petition and in view of that, the same

may kindly be dismissed.

9. From careful examination of the Order XLI Rule 27 of the C.P.C, it transpires that the parties to the appeal are not entitled to produce additional evidence (oral or documentary) in the Appellate Court except on the principles enumerated in clause (a), (aa) and (b) of the Code where the appellate court requires a document to be produced or any witness to be examined to enable it to pronounce the judgment, or for any other substantial cause. The expression "to enable it to pronounce judgment" has been interpreted so as to mean that when the appellate court finds itself unable to pronounce judgment owing to be a lacuna or defect in evidence as it stands, it may admit additional evidence. But that does not mean that the clause should be resorted to patch up the weakness of the evidence of the unsuccessful party before the trial court, though, if the court itself requires the evidence to do justice between the parties, it may accept the same.

10. In view of above discussion, the court finds that other set of claimants relating to the said khata number and the plot number have been granted compensation, and the Ext.D/8 is the said Purcha which has been produced and further the original claimant/appellant was already provided employment by the respondent/Opposite party-Central Coal Fields Limited (CCL), the said prayer made in the instant I.A is allowed. The said documents are taken as additional evidence in the present memo of appeal.

11. It is well-settled that if a petition under Order XLI Rule 27 of the CPC. is filed in course of the hearing, the said petition can be allowed if the relevancy and the ingredient of Order XLI Rule 27 of the CPC is made out in course of the hearing. The learned Tribunal has rejected the claim of the appellants/claimants only on the ground that the document (Ext.8/d) has not been produced, however, in the another set of claim application of raiyats relating to the same khata number and plot number, it has been allowed considering the Ext.8/d marked in the Claim Case No.94 and 95 of 1993.

12. On query made by the Court, Mr. Amit Kumar Sinha, the learned counsel appearing on behalf of the respondent CCL fairly submits that there is no dispute that the said land was acquired by the Central Coalfields Limited [CCL]. He further submits that the State is also demanding the compensation on the ground that the land is *Gairmazuruwa.* He further submits that however one set of the claimants have already been paid the compensation in light of the judgment passed in Ref.Case Nos.94 and 95 of 1993.

13. The original claimant/appellant has already been provided employment by the respondent CCL which further fortify the claim of the claimants/appellants that the land in question was acquired and that is why the respondent CCL has provided employment to the original claimant/ appellant.

14. In view of above facts, reasons and analysis, the

impugned judgment dated 29.09.2018 passed by the learned Additional Judicial commissioner 1st Cum Tribunal, Ranchi under the Act of 1957 is, hereby, set-aside. The said claim case is, hereby, restored to its original file of learned Additional Judicial commissioner 1st Cum Tribunal, Ranchi and the same will be decided taking into account those two documents which have been allowed as additional documents.

15. M.A. No.664 of 2018 is allowed in the above terms, and disposed of.

16. Since the matter involved is an old one, and in that view of the matter, the appellants/claimants as well as the respondent/Central Coal Fields Limited (CCL) are directed to appear before the learned Tribunal concerned on 29.09.2026 at 10.30 a.m.

17. In view of this Order, the duty is cast upon the appellants/ claimants as well as the respondent –CCL to appear on the date fixed before the learned Tribunal concerned so that the hearing of the said claim case be expedited.

18. The appellants/ claimants as well as the respondent – CCL will take all endeavour of early disposal of the said claim case, and unnecessary adjournments shall not be taken by either of the parties.

(Sanjay Kumar Dwivedi, J.)

SI/
Dated : 17.09.2026
Uploaded/ 23.09.2026
A.F.R.