

2026:PHHC:005344



126 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2056-2000 (O&M)

Decided on:-14.01.2026

State of Haryana and others

....Appellants..

VS.

Surjit Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. Rajesh Punj, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an Award dated 03.12.1999 passed by the Court of learned Additional District Judge, Panipat (*for short, "Reference Court"*).

2. Brief facts of the case are that total 6.18 acres of land owned by the respondents and other landowners, situated in the revenue estate of Village Darya Pur, Hadbast No.48, Tehsil Panipat, the then District Karnal, was sought to be acquired vide notifications dated 16.08.1986 and 06.06.1987, issued under Sections 4 & 6, respectively, of the Land Acquisition Act, 1894 (*hereinafter referred to as "1894 Act"*), followed by an award passed by the Land Acquisition Collector. The acquisition was for the public purpose, namely, constructing link road from Panipat Assandh road to Urlana Khurd.

3. Aggrieved of the same, the respondents along with other landowners invoked separate reference petition(s) under Section 18, seeking

enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its Award dated 03.12.1999, enhanced the market value to Rs.40,000/- per acre besides other statutory benefits.

4. Feeling dissatisfied with the aforesaid Award passed by the learned Reference Court, the appellants-State has preferred the present appeal for setting it aside.

5. Learned counsel for the respondents-landowners refers to order dated 18.07.2024 passed by this Court in RFA-2432-1996 & XOBJR-47-CI-1997, titled as ***“State of Haryana vs. Sharbati and others”***, whereby, the similarly placed landowners have been granted the benefit of enhanced market value of the acquired land, situated in the same revenue estate of Village Daryapur, Hadbast No.48, Tehsil Panipat, acquired vide same notification dated 16.08.1986 issued under Section 4 of the 1894 Act. The relevant portion of the decision dated 18.07.2024, is reproduced hereunder:-

“Accordingly, in view of the discussion made hereinabove, the impugned award dated 10.05.1996 passed by the Reference Court is thus, modified to the extent that the landowners in the present proceedings shall be entitled for market value at the rate of Rs.58,000/- per acre besides all other statutory benefits and interest provided under the Act.

6. I have heard learned counsel for the parties and gone through the paper book as well as judgment referred by the learned counsel for the respondents.

7. At this stage, it may be relevant to mention here that though the respondents-landowners in the present case have not approached this Court by way of filing any appeal or cross-objections for seeking further enhancement of compensation, however, in the wake of enhancement been

awarded by this Court in favour of similarly situated landowners, in relation to the same acquisition proceedings, it would be a travesty of justice, in case, the powers under Order 41 Rule 33 CPC are not invoked and similar enhancement is not awarded in favour of the respondents-landowners being identically placed. Reliance in this regard can be placed upon the judgment rendered by the Hon'ble Apex Court in ***"Pralhad and others vs. State of Maharashtra and another"***, reported as **2010(3) Apex Court Judgments (SC) 653** and relevant paragraphs thereof are reproduced hereunder:-

"20. In Vanarsi v. Ramphal, AIR 2004 Supreme Court 1989, this Court construing the provisions of Order 41 Rule 33 of Civil Procedure Code held that this provision confers powers of the widest amplitude on the appellate court so as to do complete justice between the parties. This Court further held that such power is unfettered by considerations as to what is the subject matter of appeal or who has filed the appeal or whether the appeal is being dismissed, allowed or disposed of while modifying the judgments appealed against. The learned Judges held that one of the objects in conferring such power is to avoid inconsistency, inequity and inequality in granting reliefs and the overriding consideration is achieving the ends of justice. The learned Judges also held that the power can be exercised subject to three limitations: firstly, this power cannot be exercised to the prejudice of a person who is not a party before the Court; secondly, this power cannot be exercised in favour of a claim which has been given up or lost; and thirdly, the power cannot be exercised when such part of the decree which has been permitted to become final by a party is reversed to the advantage of that party. (See para 15 at pg. 1997).

Furthermore, the aforementioned decision was followed by Hon'ble Division Bench of Madras High Court in case of ***"P.R. Srinivasan vs. The Special Tahsildar, Adi-Dravidar Welfare Department, Tirupattur"*** reported as **2013(20) RCR (Civil) 624**. Relevant paragraph thereof is reproduced hereunder:-

"14. The ratio laid down in the above decision squarely applies to the case on hand. Once the Court has taken the view that claimant is entitled to enhanced compensation, he should not be denied the same on the mere technical grounds of non-filing of the appeal by

the claimant. Notwithstanding that the claimant has not preferred any appeal, to award fair and adequate compensation to the claimant, this review application has to be allowed.”

8. In such circumstances, the present appeal is disposed of by awarding similar compensation i.e. @ Rs.58,000/- per acre in favour of respondents-landowners while relying upon decision dated 18.07.2024 passed in RFA-2432-1996 & XOBJ-47-CI-1997. The respondents-landowners shall also be entitled for award of all other statutory benefits and interest under the 1894 Act besides, grant of interest on solatium as well.

9. Pending application, if any, also stands disposed of.

14.01.2026

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No