

RFA No.420 of 2025 (O&M)

2026:PHHC:018462



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.420 of 2025 (O&M)
Date of Decision: 04.02.2026

SUNIL KUMAR AND ORS.

.....Appellants

Vs

STATE OF HARYANA AND ORS.

...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sandeep Prakash Chahar, Advocate
for the appellants.

Mr. Abhinash Jain, D.A.G., Haryana.

Ms. Surbhi Rana, Advocate for
Mr. Pritam Singh Saini, Advocate
for respondent Nos.3 & 4.

HARKESH MANUJA, J. (Oral)

CM No.979-CI of 2025

Prayer made in this application is for seeking permission to lead additional evidence by placing on record some relevant document(s) viz. photocopies of the Register maintained by the office of D.R.O.-cum-LAC, Rohtak and application with report dated 05.09.2024 as Annexures A-1 and A-2.

Upon notice, reply on behalf of respondent Nos.3 and 4 has been filed, the same is taken on record.

Having heard learned Counsel for the parties; the authenticity of the documents sought to be produced not being in dispute at the hands of respondent Nos.3 & 4; taking into account the findings recorded by the learned Reference Court wherein the claim of the appellants- landowners has been denied being barred by limitation, the documents sought to be produced are very much required for the complete and effective adjudication of the appeal(s) in hand. It would help the Court to decide the rights of the parties in an effective manner; otherwise also,

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the document sought to be produced are from the records of the respondent(s) only which they suppressed before the learned Reference Court. Accordingly the prayer is allowed and the same are taken on record as additional evidence.

CM No.975-CI of 2025

In pursuance to the notice, reply to the application for condonation of delay in filing the present appeal has been filed on behalf of the respondent Nos.3 & 4, the same is taken on record; wherein it is prayed that the present application is liable to be dismissed as the appeal in hand is not maintainable.

I have heard learned counsel for the parties and gone through the contents of the application.

As a matter of fact, on the reference petition(s) preferred at the instance of appellants-landowners, previously an award passed by the learned Reference Court was challenged before this Court by way of RFA No. 10773 of 2014 (i.e. in lead case herein bearing RFA-963-2024) as well as in other connected cases by way of respective RFAs as the case may be; however, these RFAs were withdrawn by the appellant(s)-landowner(s) vide order dated 22.08.2016 (in lead case) and in other cases as the case may be, with liberty to move Review Application before the learned Reference Court. Thereafter, the reference petition(s) preferred by the appellant(s)-landowner(s) have again been dismissed being barred by limitation without appreciating the receipt/records maintained by the office of DRO-cum-LAC, Rohtak about filing of objections by the appellant(s)-landowner(s) under Section 18 of the Land Acquisition Act, 1894. No receipt dated 22.09.2009, as referred to in the impugned award as well as application and report dated 05.09.2024 was placed on record by the respondents. On the other hand, the documents taken on record in the form of additional evidence as Annexures A-1 and A-2 have neither been referred to nor dealt with by the learned Reference Court.

In such circumstances, there being no delay on the part of the applicants-appellants/landowners while preferring objections under Section 18 of the Land Acquisition Act, 1894, which as per Annexure A-1 were within time, the

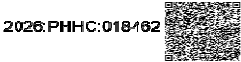


present appeal preferred at the instance of applicants-appellants was not to be held being barred by limitation, especially when they were diligently pursuing their remedies. In fact, it is the learned Reference Court which, on account of the oversight, failed to take into consideration the correct records of receipts of reference petition(s)-objections filed under Section 18 of the Land Acquisition Act, 1894 and thus, the delay was not to be attributed to the applicants-appellants/landowners by putting them to any disadvantageous position.

Moreover, no evidence was led by the respondents so as to establish that any notice under Section 12(2) of the Land Acquisition Act, 1894 was ever served upon the appellants-landowners or any copy of the award passed under Section 11 thereof was forwarded to them. Even no evidence was brought on record by the respondents to show that the amount of compensation assessed under the award passed by the LAC was disbursed to the appellants-landowners before the filing of reference petition(s). Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in the same revenue estate, i.e. Village Garhi Bohar, District Rohtak, in view of judgment/order dated 14.11.2022 passed by this Court in a bunch of appeals, lead case of which was **RFA-10335-2014**, titled “**Malho and others Versus State of Haryana and others**”. Based thereupon and applying the principle of parity, besides grant of just and fair compensation, the landowners/applicants being similarly situated are held entitled for grant of similar amount of compensation.

In view of the discussion made hereinabove as well as from the contents of the application(s), the prayer is allowed and delay in filing the present appeal(s), as mentioned above, is hereby condoned. However, the applicants shall be entitled for interest for the period of delay in filing the appeal as well; as in the present case, admittedly, the applicants-appellants were not responsible for any delay and were even continuously pursuing their claim through different proceedings.

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[1]. By way of present appeal(s), challenge has been laid to the Award dated 26.08.2014 passed by the learned Addl. District Judge, Rohtak (hereinafter to be referred as the ‘Reference Court’).

[2]. At the very outset, learned counsel for the appellants submits that the present appeal is squarely covered by the judgment dated 14.11.2022 passed by this Court in a bunch of appeals, lead case of which was **RFA-10335-2014**, titled ***“Malho and others Versus State of Haryana and others”***.

[3]. Learned counsel for the respondents are not in a position to controvert the above factual position.

[4]. After going through the judgment referred to above as well as the present case, this Court agrees with the assertion made by the learned counsel for the appellants.

[5]. Consequently, the present appeal(s) are disposed of in the same terms as **Malho’s case** (supra).

[6]. All pending application(s), if any, shall also stand disposed of.

February 04, 2026
Atik

(HARKESH MANUJA)
JUDGE

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