

(2010) 10 SHI CK 0050

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No. 131 of 2004

Beli Ram and Others

APPELLANT

Vs

Land Acquisition Collector and Another

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0050

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—This first appeal has been filed by the claimants against the order/judgment of the reference petition dated 1st October, 2002, whereby the reference petition of the claimants was dismissed for want of evidence in answer to the reference made.

2. Heard and gone through the record.

3. Now, CMP No. 626 of 2010 has been moved for seeking permission to adduce evidence alongwith draft of Rs. 1500/-, the cost which was required to be deposited before the learned trial Court. Reply to this application has not been filed by the Respondents. Therefore, in view of the aforesaid position, award dated 1st October, 2002 passed by the Reference Court is hereby set aside and the case is remanded back to the learned District Judge, Kinnaur Civil Division at Rampur Bushahr.

4. The parties are directed to lead the evidence to substantiate their respective case, even by placing on record the copies of award passed in similarly situated cases and the judgment of the High Court upholding the award, if any, passed by the Reference Court. The parties are also directed to appear before the learned District Judge, Kinnaur at Rampur Bushahr on 15th November, 2010.

5. The learned District Judge is further directed to fix a date for the evidence of the claimants/ Petitioners within a month thereafter. It shall be the duty of the

Petitioners to produce their evidence on their own responsibility. However, if the assistance of the Reference Court is required, the Dasti summons be taken. After closure of the evidence of the claimants, the Respondents shall produce their entire evidence within a period of one month on a date to be fixed by the Court. The Reference Court shall dispose of the matter finally on or before 31st March, 2011.

6. The draft of Rs. 1500/- be deposited in the Registry of this Court and the Respondents are at liberty to seek its withdrawal.

7. The matter stands finally disposed of. The record of the Reference Court be returned forthwith.

8. All pending applications, if any, shall stand disposed of.