

(2010) 10 SHI CK 0356

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No. 115 of 2004

Hira Lal and Others

APPELLANT

Vs

Land Acquisition Collector and Another

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0356

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 27th March, 2002, whereby the reference petition of the claimants was dismissed for not producing the evidence despite repeated opportunities and even the cost imposed by the learned District Judge was also not deposited.

2. Heard and gone through the record.

3. As a matter of fact reference was required to be answered by the Reference Court. The reference petition could not have been dismissed for not producing the evidence or depositing the cost imposed.

4. Now, CMP No. 625 of 2010 has also been moved in this appeal for seeking permission to adduce evidence along with draft of Rs. 2450/-, the deposit of cost which was required to be deposited before the learned trial Court. Reply to this application has not been filed by the Respondents.

5. In view of the aforesaid position, order dated 27th March, 2002 passed by the Reference Court is set aside and the case is remanded back to the learned District Judge, Kinnaur Civil Division at Rampur Bushahr to answer the reference after recording evidence.

6. The parties are directed to lead the evidence to substantiate their respective claim, 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.

7. So the parties are hereby directed to appear before the learned District Judge, Kinnaur at Rampur Bushahr on 15th November, 2010.

8. The learned District Judge is directed to fix a date for the evidence of the claimants/ Petitioners within a month. 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.

9. The draft of Rs. 2450/- be deposited in the Registry of this Court and the Respondents are at liberty to seek its withdrawal.

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

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