

(1994) 05 P&H CK 0031

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 256 of 1981 and Civil Miscellaneous No"s.
527-CI of 1985 and 1285-CII of 1994

Nazar Singh and Another

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 26-05-1994

Acts Referred:

Land Acquisition Act, 1894 — Section 23

Citation : (1994) 108 PLR 54

Hon'ble Judges : R.S. Mongia, J

Bench : Single Bench

Advocate : A.L. Bansal, for the Appellant; Ashok Jindal, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Mongia, J.—After hearing learned counsel for the parties, I am not satisfied that sufficient cause has been Shown to allow more time for making up the deficiency in the Court fee.

2. Initially the appellants had affixed Court fee of Rs. 4289/- on the RFA which was allowed in the year 1981. An application was made in the year 1985 (C.M. No. 1285-CI of 1985) for allowing time for making up the deficiency in the Court fee as the compensation enhanced by this Court was more than for what the court fee had earlier been affixed. Though an application was made in the year 1985, yet it came up for final hearing on 19.4.1989. Two months time was granted to the appellants to make up the deficiency in the court fee. The deficiency in the Court fee was not made good within the stipulated period.

3. This application was made on 20.11.1993 that the period for making up the deficiency in Court fee be further extended. The reason given is that the communication sent to the appellants by the counsel did not reach then inasmuch as they had shifted their original place of residence.

4. The appellants were given sufficient time inasmuch as though their appeal was

allowed in the year 1981, they moved an application for allowing to make up the deficiency in the year 1985 and ultimately in the year 1989 i.e. after 8 years of the allowing the appeal they were given two months time to make up the deficiency in the Court fee which they failed to do. If the appellants had shifted their residence, it was their duty to inform the counsel or should have found out as to what was the decision on the application which was moved in the year 1985. If they did not inform the counsel of the change in their address, they must suffer. I do not consider as observed in the opening paragraph that any sufficient cause has been shown to allow more time for making up the deficiency in the court fee. Dismissed.