

RFA Nos. 84 and 85 of 2018

19.8.2019 **Present:** Mr.S.C. Sharma and Mr.Desh Raj Thakur, Additional Advocate Generals, with Mr.R.P. Singh, Deputy Advocate General, for the appellant(s).

Mr.Ajay Sharma, Senior Advocate with Mr.Rakesh Chaudhary, Advocate, for respondents No. 1 to 3 in RFA No. 84 of 2018 and for respondents No. 1(a) to 1(c) and 2 to 5 in RFA No. 85 of 2018.

RFA No. 84 of 2018

Fresh Power of Attorney on behalf of respondents No. 2 and 3 is stated to have been filed today itself. Be taken on record if in order.

CMP (M) No. 1295 of 2019 in RFA No. 84 of 2018

This application has been filed for substitution of deceased respondent No. 1 Tilak Raj through his legal heirs. Death certificate and legal heirs' certificate of deceased respondent No. 1 Tilak Raj has also been placed on record with this application. In legal heirs' certificate, it is stated that according to mutation No. 1059, attested on 22.10.2018 on the basis of registered Will of deceased Tilak Raj, landed property has been mutated in favour of his wife Smt.Santosh and her name has been shown as only legal heir on the basis of Will.

No objection has been communicated for allowing this application by the non-applicant. In view of aforesaid facts and circumstances, deceased respondent No. 1 is ordered to be substituted through his legal heirs Smt. Santosh (wife), as respondent No. 1(a). Amended memo filed with this

application be placed at appropriate place in the record of appeal. The application stands disposed of.

CMP No. 5336 of 2019 in RFA No. 84 of 2018

At this stage, learned counsel for the applicants/respondents seeks permission to withdraw present application with liberty to file afresh with better particulars. The application is dismissed as withdrawn, with liberty as prayed.

CMP No. 5337 of 2019 in RFA No. 85 of 2018

Despite granting four opportunities since June, 2019, no reply has been filed. However, it is submitted that value of land determined by Reference Court is on higher side and there is every likelihood of reduction thereof. Whereas, learned counsel for the applicants/respondents/claimants submits that land owners have been deprived of their landed property and they are agitating for just and fair compensation since long.

Considering the rival contentions of parties, instead of releasing the entire compensation amount, it would be in the interest of justice to release 50% of compensation amount, along with up to date interest, in favour of applicants, as per their entitlement in terms of award, by remitting the same to their respective bank accounts mentioned in para 2 of the applications. Ordered accordingly. The applications are disposed of.

**(Vivek Singh Thakur),
Judge.**

19th August, 2019
(Keshav)

