

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3347-3380 OF 2011

KULDEEP KAUR & ORS. ETC. ...Appellant(s)
Vs.
UNION OF INDIA & ORS.ETC. ...Respondent(s)

WITH

CIVIL APPEAL Nos.9298-9308 OF 2022
(Arising out of SLP(C) Nos.25434-25444 of 2011)

CIVIL APPEAL Nos.4691-4699 OF 2012

CIVIL APPEAL Nos.4733-4734 OF 2011

O R D E R

1. Leave granted in SLP(C) Nos.25434-25444 of 2011.
2. The appellants are the land owners. Their land forms part of a chunk of land measuring 246 kanal 15 marla, situated in village Suchi Pind and Chak Hussaina, Lamba Pind, District Jalandhar, which was acquired via Notification dated 21.08.1991 for a project by Bharat Petroleum Corporation Limited. The proceedings for completion of the acquisition process culminated with an Award dated 20.09.1993. The Land Acquisition Collector granted compensation at the rate of Rs.1500/- per marla, which was further enhanced to Rs.1780/- per marla by the Reference Court under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act').
3. The Corporation as well as the expropriated land owners preferred cross appeals before the High Court challenging the Award

passed by the Reference Court.

4. The High Court while deciding a batch of Regular First Appeals vide impugned judgment dated 20.07.2010 dismissed the appeals filed by the Corporation and upheld the compensation as awarded by the Reference Court. Unfortunately, no one appeared on behalf of the land owners in support of their appeals. As a result, the High Court while dismissing the appeals of the Corporation, also dismissed the appeals filed by the land owners "for non prosecution".

5. Immediately thereafter, the land owners moved an application before the High Court seeking restoration of their appeals. However, vide the impugned orders including order dated 17th September, 2010, the High Court dismissed those applications observing that when the case was taken up for hearing on 20th July, 2010, the counsel had already been engaged a week prior thereto and that the counsels were expected to take care of the cases and appear at the time of hearing.

6. Having been denied the prayer for restoration of their appeals, the aggrieved land owners are before us.

7. We have heard learned Senior Counsel on both sides and perused the record.

8. It is an undisputed fact that the Regular First Appeals were preferred by the Corporation and the land owners way back in the year 2002. Those appeals were taken up for hearing by the High Court on 20th July, 2010. The land owners had engaged a new counsel only a week before listing of the cases and for some reason, not borne out from the record, the counsel failed to appear

on the date fixed, due to which the appeals were dismissed for non-prosecution. The application for restoration of the appeals were filed soon thereafter without any inordinate delay. In our considered view, the High Court should have adopted a pragmatic approach and ought to have restored and decided the appeals on merits. It is not a case of an inexcusable inordinate delay which warrants depriving the expropriated land owners from their limited claim to seek just and fair compensation.

9. For the reasons afore-stated, we allow these appeals, set aside the impugned order dated 20.07.2010 and the orders like dated 17.09.2010 passed by the High Court whereby the application for restoration of the appeals have been declined. Those applications are allowed and the Regular First Appeals are restored to their original numbers and file before the High Court. The matter is remitted to the High Court for fresh adjudication of the Regular First Appeals on merits.

10. The parties are directed to appear before the High Court on 16th January, 2023.

11. We request the High Court to decide the Regular First Appeals expeditiously.

.....J.
[SURYA KANT]

.....J.
[J.K.MAHESHWARI]

New Delhi;
December 8, 2022.

ITEM NO.102

COURT NO.11

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).3347-3380/2011

KULDEEP KAUR & ORS.

Appellant(s)

VERSUS

UNION OF INDIA THROUGH SECRETARY & ORS.

Respondent(s)

WITH SLP(C) Nos.25434-25444/2011C.A. Nos.4691-4699/2012 and 4733-4734/2011

Date : 08-12-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

Mr. Mahabir Singh, Sr.Adv.
Mr. Karan Kapoor, Adv.
Mr. Manik Kapoor, Adv.
Mr. Mohit Rawat, Adv.
Ms. Garima Chaudhary, Adv.
Mr. Veerendra Kumar, Adv.
Mr. Ritesh Khatri, AOR

Mrs. Naresh Bakshi, AOR

Mr. Tushar Bakshi, AOR

For Respondent(s)

Mr. A.D.N.Rao, Sr.Adv.
Mr. Annam Venkatesh, AOR
Mr. Rahul Mishra, Adv.
Mr. D.Shiva Shankar, Adv.
Ms. Agrima Singh, Adv.
Ms. Ritumbhara Garg, Adv.

Ms. Sonia Mathur, Sr.Adv.
Mr. Rajan Kr.Chourasia, Adv.
Mr. Pabitra Kumar Biswal, Adv.
Mr. Sushil Kr.Dubey, Adv.
Mr. Amrish Kumar, AOR

Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Priyanka C., Adv.

Ms. Ranjeeta Rohatgi, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted in SLP(C) Nos.25434-25444 of 2011.

The appeals are allowed in terms of the signed order.

The parties are directed to appear before the High Court
on 16th January, 2023.

We request the High Court to decide the Regular First
Appeals expeditiously.

Pending application, if any, also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER

(Signed order is placed on the file)