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C.A.No. 6960-6961 OF 2003

ITEM No. 104

Court No.6

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal Nos.6960-6961/2003

MULAKH RAJ SAPRA

APPELLANT (S)

VERSUS

STATE OF HARYANA & ANR.

RESPONDENT (S)

(With appln.(s) for permission to file addl. affidavit and with  
office report)

WITH C.A.Nos. 6975-76, 6962, 6967, 6968-74, 7032, 6963, 6958, 6964,  
6955, 6959, 6966 of 2003 - (With office report)  
C.A.No.6965/2003

Date : 15/07/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)Mr. Rakesh Dwivedi, Sr.Adv.  
Mr. Manoj Swarup, Adv.  
Ms. Nidhi Agarwal, Adv.

For Respondent (s)Mr. U.S. Prasad, Adv.

Mr. Vinay Kumar Garg, Adv.  
Mr. Anil Kumar Thakur, Adv.

For Intervenor(s)Mr. Manu Mridul, Adv.  
Mr. K.C. Bhatt, Adv.  
for Mr. Surya Kant, Adv.

Mr. Anoop G. Choudhary, Sr.Adv.  
Mr. Rishi Malhotra, Adv.  
Mr. Prem Malhotra, Adv.

Mr. S.K. Dhingra, Adv.

Mr. Ajay Jain, Adv.  
Mr. Hemant Gupta, Adv.  
Ms. Abha R. Sharma, Adv.

Mr. A.P. Jain, Adv.  
for Mr. K.R. Nagaraja, Adv.

..2/-

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

The respondent-State of Haryana has filed an application seeking permission to receive Annexure-A, sale deed dated 14.4.1978, as additional evidence under Order 41 Rule 27 of the Civil Procedure Code. Learned counsel for the respondent-State contended that the document pertains to the very land which is the subject matter of acquisition and the appellant himself is the purchaser of the said land under the aforesaid sale deed. The said land was purchased @Rs.2.44 per square yard; the appellant now claims @Rs.1500/- per square yard for the very land; the land was proposed to be acquired almost within the period of one year from the date of sale deed; the appellant did not disclose about it. The State was not aware of this document, which, according to the learned counsel is a vital document having great bearing on the determination of the market value of the land in question. The learned Senior counsel for the appellant contended that in case the Court is allowing this application, the appellant may be given liberty to rebut this evidence contained in the sale deed by leading necessary evidence, including cross-examination of the witnesses if examined by the State in support of the said document. It is also not disputed that the determination of the market value of the land in question will have bearing on other lands acquired under the very notification.

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Under these circumstances, having regard to the very submissions made by the learned counsel for the parties, we think it just and appropriate to allow this application and direct the reference court to permit both the parties to lead evidence in relation to the sale deed dated 14.4.1978 referred to above.

The application is ordered accordingly. The reference court, after recording evidence, forward the same to this Court. The reference court shall complete the recording of evidence within a period of three months from the date of receipt of the copy of this order.

This group of appeals may be posted for hearing after receiving the evidence from the reference court.

Sarita  
Court Master

(Shelly Sengupta)