

CASE NO.:
Appeal (civil) 2699 of 2008

PETITIONER:
Hakam Singh

RESPONDENT:
State of Haryana and Others

DATE OF JUDGMENT: 09/04/2008

BENCH:
TARUN CHATTERJEE & HARJIT SINGH BEDI

JUDGMENT:
JUDGMENT
O R D E R
Non-Reportable

Civil Appeal No 2699 of 2008
[Arising out of Special Leave Petition (c) 6347 of 2007]
With
Civil Appeal No 2700 of 2008
[Arising out of Special Leave Petition (C) 6427 of 2007]
Mohinder Kaur (D) by LRs. & Ors.
\\005Appellants
Vs.
State of Haryana & Ors. \\005
Respondents
With
Civil Appeal No2701 of 2008
[Arising out of Special Leave Petition (c) 6348 of 2007]
Nasib Singh & Ors. \\005Appellants
Vs.
State of Haryana and Ors. \\005Respondents

1. Leave granted.
2. In spite of due service and opportunity to contest the appeal, no one has entered appearance in the appeal or contested the appeal at the time of hearing.
3. These appeals, by way of Special Leave, are filed against a final Judgment and order dated 26th of July 2006 passed in Regular First Appeal Nos. 22, 185 and 217 of 1989 by the High Court of Punjab and Haryana at Chandigarh, by which the First Appeals, filed at the instance of the appellant, were dismissed which were filed for enhancement of compensation for the land acquired by the respondents.
4. Without going into the facts in detail, these appeals can be disposed of on a very short point. It is an admitted position that an application under Order 41 Rule 27 of the Code of Civil Procedure (In short "CODE") for acceptance of additional evidence was filed before the High Court in the aforesaid First Appeals, which were dismissed by the High Court by the impugned order. However, the application for acceptance of additional evidence under Order 41 Rule 27 of the CODE was not considered by the High Court while disposing of the appeal.
5. That being the position, without going into the legality and propriety of the impugned order of the High Court passed in the aforesaid appeals, we set aside the

same and remit back the cases to the High Court for decision of the Appeals afresh on merits and in accordance with law along with the application for acceptance of additional evidence under Order 41 Rule 27 of the CODE.

6. Accordingly, the impugned order is set aside. The High Court is requested to dispose of the First Appeals in the light of the observations and directions made hereinabove within three months from the date of supply of a copy of this Order along with application for acceptance of additional evidence under Order 41 Rule 27 of the CODE.

7. It is expected that the parties shall not be entitled to ask for adjournments on unsatisfactory grounds.

8. For the reasons aforesaid, the appeals are allowed to the extent indicated above. There will be no order as to costs.