

Dina Nath v. State of Punjab

Present:- Shri D.S. Kahlon Adv. counsel for the applicant.
Shri Vivek Puri Govt. Pleader for State
Sh. Madan Lal Patwari for respondents no. 2 and 3.

The case has been received from the Court of Shri Jaswinder Sheemar Learned Additional District Judge Gurdaspur vide order dated 26.02.2018 solely on the ground that the matter pertains to the property which is situated within the jurisdiction of Pathankot.

I have seen the order of the Hon'ble High Court relating to which the present application has been filed. The parties were directed by the Hon'ble High Court in RFA No 4525 of 2001 on 16.03.2009 whereas the present applicant is seeking the enforcement of the order of the Hon'ble High Court in RFA 2469 of 1997 wherein the Hon'ble High Court was pleased to order that all the matters be consolidated and dealt with together and further the appeal was allowed in April 1999. The matter was remanded to the same court for fresh determination of the amount of compensation payable to the claimant. The present application has been filed to trace out the record which was never missing as per the report of the Ahlmad. The record was very much lying consigned. The applicant never appeared to get his matter disposed of and filed the application in question on 10.01.2018 under section 151 of CPC for tracing out the land

acquisition case and to dispose of the same in terms of the judgment dated 01.04.1999. Now the counsel is requested to justify how the LAC is maintainable after a gap of 18 years once he has not approached the court within the time granted by the Hon'ble High Court as there is no application on record ever filed by the present applicant to get the matter disposed of. Now it is a question of limitation and maintainability of the present applicant to justify the maintainability and matter stands adjourned to 17.08.2018.

However I have already disposed of certain matters which were remanded and inadvertently the record was missing but the present file do not have any similarity to the said LAC regarding which the record was missing nor there is any report made by the court of Shri Jaswinder Sheemer that record was missing.

(Rakesh Kumar Sharma),
Additional District Judge
Pathankot/UID-PB-0133

Dated:06.07.2018

(Sawtanter Kumar)

Stenographer-II

Next date: 17.08.2018

Purpose: regarding maintainability