

Supreme Court of India

Chand Kaur And Others vs Union Of India on 14 February, 1994

Equivalent citations: 1994 SCC (4) 663

Author: A Anand

Bench: Anand, A.S. (J)

PETITIONER:

CHAND KAUR AND OTHERS

Vs.

RESPONDENT:

UNION OF INDIA

DATE OF JUDGMENT 14/02/1994

BENCH:

ANAND, A.S. (J)

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ANAND, A.S. (J)

FAIZAN UDDIN (J)

CITATION:

1994 SCC (4) 663

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Leave granted.

2. The land belonging to the appellants was acquired by a notification Issued under Sections 4 and 6 of the Land Acquisition Act, 1894 which was published on 27-3-1981. The Special Land Acquisition Officer by an award dated 31-3-1984 granted compensation for the acquired land. The appellant took the matter through reference under Section 18 of the Act to the Civil Court. The amount of compensation was enhanced and an award was made 1 (1970) 3 SCC 378: (1971) 2 SCR 758 2 (1983) 4 SCC 214: 1983 SCC (L&S) 510: (1983) 3 SCR 799 + Arising out of SLP (C) No. 8351 of 1990 on 6-11-1985. Still dissatisfied, the appellants approached the High Court of Punjab and Haryana, which partially accepted the grievances of the appellants and made further enhancement in the amount of compensation. The appellants still not satisfied with the enhancement filed Letters Patent Appeal. While the Letters Patent Appeal was pending, and admittedly the judgment in the

Letters Patent Appeal had not been announced, an application came to be filed by the appellants seeking permission to make up the deficiency in the court fee paid on the enhancement claimed in the Letters Patent Appeal. That application was rejected by order of the Division Bench of the High Court dated 30-1-1989. That order has been put in issue before us in this appeal.

3. Learned counsel for the appellants submits that in identical matters, in another batch, another Division Bench of the same High Court, under identical circumstances had granted two months' time to the appellants in those cases to make the deficiency in the court fee. This factual position is not disputed by the respondents.

4. It is submitted by learned counsel that the appellants should not have been treated differently and should have been granted time to make up the deficiency in the court fee. Reliance is also placed by the appellants on the judgment of this Court in Bhag Singh v. Union Territory of Chandigarh.

5. After hearing learned counsel for the parties, it appears appropriate to us to allow these appeals and grant two months' time from today to the appellants to make up the deficiency in the court fee in the LPAs which had been filed by them. The order of the Division Bench dated 30-1-1989 is set aside and the appeals disposed of in the terms indicated above. No costs.