



2026:AHC:57956

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION No. - 466 of 2022

Satish Chandra Singhal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Laxmi Kant Singh, Nipun Singh, Sumit
Suri

Counsel for Opposite Party(s) : C.S.C.

Court No. - 38

HON'BLE SANDEEP JAIN, J.

1. Heard Shri Nipun Singh, learned Senior Counsel, assisted by Shri Naman Agarwal and Shri Abhijeet Mishra, learned counsel for the review applicant, and the learned Standing Counsel for the State.

2. According to the office report, the instant review application has been filed with a delay of 3141 days.

3. This review application seeks review of the order dated 11.02.2014 passed by the Division Bench of this Court in First Appeal No. 112 of 2010 (State of U.P. and another vs. Satish Chandra Singhal) and First Appeal No. 111 of 2010 (State of U.P. and others vs. Chandra Shekhar and another), whereby the appeals preferred by the State under Section 54 of the Land Acquisition Act, 1894, for reduction of compensation relating to the land of village Katari Jyora, Nawabganj, and Katri Shankarpur Sarai, situated in District Kanpur Nagar, which were acquired through notification dated 13.06.2000 issued under Section 4 of the Act of 1894, were dismissed.

4. Shri Nipun Singh, learned Senior Counsel for the review applicant submitted that the applicant was a rustic villager, who was not aware of his legal rights, as such, the review application could not be filed within time.

5. It was further submitted that valuable land of the applicant was acquired by the State regarding, which a compensation at the rate of Rs.2,50,000/- per bigha was awarded in other identical matters, but in the

instant case, the Reference Court only awarded a compensation at the rate of Rs.2,20,000/- per bigha, which requires enhancement.

6. It was further submitted that the Division Bench while dismissing the appeals of the State has concluded that the appellant was entitled to get compensation at the rate of Rs.2,50,000/- per bigha for his acquired land, but failed to exercise its inherent power under Order 41 Rule 33 C.P.C., which should have been exercised by the Division Bench for enhancing the compensation awarded by the Reference Court, even though no appeal or cross objection for enhancement of compensation was preferred by the landowner.

7. It was further submitted that in the interest of justice, the delay in filing the review application be condoned and enhanced compensation be awarded to the landowner.

8. Per contra, learned counsel for the State submitted that the reference preferred by the review applicant was allowed on 31.10.2007, whereby a compensation @ Rs. 2,20,000/- per bigha was awarded to the applicant, and the applicant ought to have filed an appeal before this Court for enhancement of compensation; however, that remedy was never availed by the applicant.

9. It was further submitted that, since no appeal for enhancement of compensation was preferred by the applicant, the compensation payable to the applicant cannot be enhanced through this review application, as it is impermissible to enhance compensation in review proceedings.

10. It was further submitted that even the review application has been filed after a delay of about eight years after the passing of the judgment of the Division Bench of this Court dated 11.02.2014 and no proper explanation of delay has been submitted by the applicant.

11. It was further submitted that even the court fees payable on the review application was paid with inordinate delay, which disentitles the review applicant from obtaining enhanced compensation for his acquired land.

12. With these submissions, it was prayed that the review application, being grossly barred by limitation, be dismissed.

13. I have heard the learned counsel for the parties and perused the

impugned order of the Division Bench of this Court dated 11.02.2014, along with the documents submitted with the appeal.

14. It is apparent that in the instant matter, the review applicant's land situated in village Katri Shankarpur Sarai, District Kanpur Nagar was acquired through notification under Section 4 of the Land Acquisition Act, 1894 dated 13.06.2000 and the award of the Collector was made on 31.03.2001, whereby compensation at the rate of Rs. 52,800/- per bigha was awarded to the landowner, which has been enhanced to Rs. 2,20,000/- per bigha by the Reference Court along with other statutory benefits admissible under the Act of 1894, by judgement and award dated 31.10.2007, and for reducing the compensation awarded by the Reference Court, the State preferred two First Appeal Nos.112 of 2010 (State of U.P. and another vs. Satish Chandra Singhal) and First Appeal No. 111 of 2010 (State of U.P. and others vs. Chandra Shekhar and another), which were dismissed by the Division Bench of this Court vide order dated 11.02.2014, wherein it was concluded that in similar matters whereby similar land was acquired by the State in First Appeal No.1113 of 1999 (State of U.P. & another Vs. Mohar Ali & others) and First Appeal No. 954 of 2003 (State of U.P. and others vs. Hari Lal and others), were dismissed by this Court on 30.03.2010 and 28.02.2011 respectively, whereby the award of the Reference Court awarding compensation at the rate of Rs.2,50,000/- per bigha was upheld. The Division Bench concluded that in view of the above facts, the compensation awarded by the Reference Court cannot be reduced any further, and in fact, the landowners were entitled to enhanced compensation as awarded in other matters, but the enhancement was not made by the Division Bench.

15. Shri Nipun Singh, learned Senior counsel for the review applicant submitted that once having concluded by the Division Bench that the landowners in other identical matters have been awarded compensation at the rate of Rs.2,50,000/- per bigha, this Court should have exercised its appellate inherent power under Order 41 Rule 33 C.P.C. for enhancing the compensation, even if no appeal or cross objection for enhancement of compensation was preferred by the landowners and in support of his contention has relied upon a case law of Apex Court in *Pralhad and others vs. State of Maharashtra, 2010 (10) SCC 458*.

16. The Apex Court in the case of *Pralhad* (supra) was considering whether, in the absence of an appeal or cross-objection from the claimants, it was permissible for the High Court to grant additional benefits to the appellants under Section 23(1-A) of the Amendment Act 68 of 1984, which came into effect on 24.09.1984.

17. After considering the matter, the Apex Court held as under:

"18. The provision of Order 41, Rule 33 of CPC is clearly an enabling provision, whereby the Appellate Court is empowered to pass any decree or make any order which ought to have been passed or made, and to pass or make such further or other decree or order as the case may require. Therefore, the power is very wide and in this enabling provision, the crucial words are that the Appellate Court is empowered to pass any Order which ought to have been made as the case may require. The expression 'Order ought to have been made' would obviously mean an Order which justice of the case requires to be made. This is made clear from the expression used in the said Rule by saying 'the court may pass such further or other Order as the case may require.' This expression 'case' would mean the justice of the case. Of course, this power cannot be exercised ignoring a legal interdict or a prohibition clamped by law.

19. In fact, the ambit of this provision has come up for consideration in several decisions of this Court. Commenting on this power, Mulla (CPC, 15th Edition, pg. 2647) observed that this Rule is modelled on Order 59, Rule 10(4) of the Supreme Court of Judicature of England, and Mulla further opined that the purpose of this rule is to do complete justice between the parties.

20. In Vanarsi vs. Ramphal, AIR 2004 SC 1989, this Court construing the provisions of Order 41 Rule 33 of CPC held that this provision confers powers of the widest amplitude on the appellate court so as to do complete justice between the parties. This Court further held that such power is unfettered by considerations as to what is the subject matter of appeal or who has filed the appeal or whether the appeal is being dismissed, allowed or disposed of while modifying the judgments appealed against. The learned Judges held that one of the objects in conferring such power is to avoid inconsistency, inequity and inequality in granting reliefs and the overriding consideration is achieving the ends of justice. The learned Judges also held that the power can be exercised subject to three limitations: firstly, this power cannot be exercised to the prejudice of a person who is not a party before the Court; secondly, this power cannot be exercised in favour of a claim which has been given up or lost; and thirdly, the power cannot be exercised when such part of the decree which has been permitted to become final by a party is reversed to the advantage of that party. (See para 15 at pg. 1997). It has also been held by this Court in Samundra Devi and others vs. Narendra Kaur and others, (2008) 9 SCC 100 (para 21) that this power under Order 41, Rule 33 of CPC cannot be exercised ignoring a legal interdict.

21. In the instant case, the right of the landowner to receive the benefit under section 23(1A) of the Principal Act is legally permissible in view of the majority decision in

Paripoornan (supra). Therefore, the law declared by this Court in *Paripoornan (supra)* is binding on the High Court under Article 141 of the Constitution and High Court is bound to follow the same, especially when an application has been made by the landowner under Order 41 Rule 33 of CPC.

22. In view of the aforesaid interpretation given to Order 41 Rule 33 of CPC by this Court, we are of the opinion that the High Court denied the relief to the appellants to which they are entitled in view of the Constitution Bench decision in *Paripoornan (supra)*, by taking a rather restricted and narrow view of the scope of Order 41 Rule 33 of CPC and also on a misconstruction of the ratio in *Paripoornan (supra)*.

23. For the reasons aforesaid, this Court holds that the appellants are entitled to the benefit of the amended provision of Section 23 (1A) of the Principal Act in view of the clear law laid down by this Court in *Paripoornan (supra)*. The appeals are allowed to the extent indicated above. No order as to costs."

18. Further, the Apex Court in the case of ***Eastern Coalfields Limited and Others vs. Rabindra Kumar Bharti (2022) 12 SCC 390***, held as under:-

"18. We may also observe that reference made to Order 41 Rule 33 of the Civil Procedure Code may not have been justified. Order 41 Rule 33 no doubt clothes the appellate court with an extraordinary power, which however is a rare jurisdiction. It is to reach justice in the special facts of a case. It is not an ordinary rule to be applied across the board in all the appeals. In fact, the principle is *inter alia* no doubt that even if there is no appeal by any of the parties in the proceedings, an order can be passed in his favour in the appeal carried by the other side. Any order which ought to have been passed can be passed."

19. It is apparent that the Apex Court in the case of ***Pralhad*** (supra) has considered the issue and has held that in exercise of power under Order 41 Rule 33 CPC, the landowners are entitled to enhanced compensation, even if no appeal or cross objection has been preferred by them. In the instant case, once having concluded by the Division Bench that the landowners in similar matters were awarded compensation at the rate of Rs.2,50,000/- per bigha, hence the amount of compensation awarded by the Reference Court cannot be reduced any further, as such, applying the provisions of Order 41 Rule 33 CPC, even in the absence of appeal or cross objection preferred by the landowners, the Division Bench should have enhanced the compensation payable to the landowners to Rs.2,50,000/- per bigha, but unfortunately that power was not exercised by the Division Bench and in view of the above facts, the landowner was compelled to file this review application.

20. It is true that in the instant case, the review application should have

been filed immediately after the passing of the order of the Division Bench on 11.02.2014, but the review was filed on 20.10.2022, after a delay of 3141 days and further the deficiency of court fees on review application was made good on 18.08.2025.

21. It is apparent that the Division Bench has erred by not applying the principles of Order 41 Rule 33 CPC in granting enhanced compensation to the landowner/review applicant, which ought to have been applied by the Division Bench, as such, the review applicant is entitled to get the impugned order reviewed.

22. Even this Court is bound to pay the just compensation to the landowner for his acquired land and for adjusting the equity, it will be appropriate that for the period of delay and during which the review application remained defective, the applicant may not be awarded interest on the enhanced compensation awarded by this Court.

23. In view of the above facts, the delay in filing the review application is condoned and the review application is also allowed and it is held that the landowner/review applicant is entitled to get enhanced compensation at the rate of 2,50,000/- per bigha along with 30% solatium, additional compensation @ 12% per annum and enhanced interest under Section 28, as provided under the Land Acquisition Act, 1894.

24. Since the review application was filed with a delay of 3,141 days on 20.10.2022, and the deficiency in court fees was made good on 18.08.2025, the landowner/review applicant is not entitled to interest on enhanced amount of compensation awarded by this Court for the period of delay, i.e., from 12.02.2014 to 18.08.2025.

25. However, in the facts and circumstances of the case, there shall be no order as to costs.

26. The Office is directed to prepare the decree accordingly.

(Sandeep Jain,J.)

March 20, 2026

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