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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2860 of 2015

Date of decision: April 28, 2015

Kamlesh Rani

.....Petitioner

Versus

Rakesh Pal Singh @ Rachpal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Alok Mittal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 31.01.2015.

Learned counsel for the petitioner has submitted that in case, the compensation amount in question is released to defendant Nos.1 and 2, it would be difficult for the petitioner to recover the same. In fact, petitioner was also liable to receive 1/5th share out of the compensation qua the acquired land.

Petitioner has filed suit for declaration to the effect that she was entitled to receive 1/5th share alongwith the defendants out of the suit land. Alongwith the suit, petitioner moved an application under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908 for interim injunction. Trial Court vide order dated 03.09.2014 allowed the application and restrained the Land Acquisition Collector from distributing

the compensation amount of the acquired land till the final disposal of the case. The Appellate Court set aside the said order in appeal filed by defendant Nos.1 and 2 vide order dated 31.01.2015. Hence, the present petition.

In the present case, land belonging to Abhey Singh was acquired. Defendant Nos.1 and 2 were impleaded as his LRs in terms of the decree dated 13.11.2003 to seek compensation qua the acquired land. The Court directed that the compensation amount, which was lying deposited with the Court be disbursed to defendant Nos.1 and 2. Admittedly, the said order was never challenged by the petitioner. However, after a gap of more than ten years, petitioner has filed the suit in question. The learned Appellate Court while allowing the appeal rightly held that the reference proceedings under the Land Acquisition Act had attained finality. In this situation, petitioner did not have a prima facie case or balance of convenience in her favour. Thus, the learned Appellate Court had rightly dismissed the application for temporary injunction.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

April 28, 2015
m.singh