

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

**RFA-5787 of 2013
Decided on: 29.01.2015**

Kuldeep Singh

..... Appellant

Versus

Charanjit Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gaurav Mohunta, Advocate
for the appellant.

Mr. R.K. Gupta, Advocate
for respondents No.1 to 3.

Ms. Sonia Sharma, Advocate
for U.T. Chandigarh- respondent No.4.

AMIT RAWAL, J (ORAL)

This is an appeal against the findings rendered by the reference Court qua the title of the estate of the deceased Parminder Singh. So far as the order pertaining to the enhancement of compensation is concerned, there is no challenge to the same and the same is upheld. The findings qua the title of the estate of the deceased Parminder Singh in the proceedings under Section 18 was without jurisdiction.

Mr. Gaurav Mohunta, learned counsel appearing on behalf of the appellant in support of his contentions placed reliance upon the judgment of Hon'ble the '*Muthawalli of Sha Madhari Diwan Wakf S.J. Syed Zakrudeen and another Vs. Syed Zindasha and others 2009 (12) SCC 280*' to contend that the reference Court had no jurisdiction to decide the title and in the event there was dispute with regard to title or apportionment of compensation arises, the reference was required to be

made in the petition under Section 30 or through Civil suit. He has brought to the notice of the Court that already civil suit claiming a declaration has been filed by the appellant. Be that as it may the finding of the reference Court qua deciding the title whether the appellant is the LR of deceased Parminder Singh or not is hereby set aside. It would be open to the parties to seek remedy in accordance with law.

With the aforementioned observations, the present appeal is disposed of. It is made clear that the finding recorded by the reference Court with regard to title of the appellant would not come in the way in any other proceedings, it may have been initiated or to be initiated.

Accordingly, the RFA is disposed of in aforementioned terms.

29.01.2015

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(AMIT RAWAL)
JUDGE