

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

205

RFA No.2019 of 2016(O & M)

Date of Decision:11.11.2016

Anil Kumar

....appellant

Versus

Dharampal and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Madan Gupta, Advocate
for the appellant

ARUN PALLI, J. (ORAL):

Vide Award being assailed, dated 30.11.2015, rendered by the reference Court, claim of the appellant as regards apportionment under Section 30 of the Land Acquisition Act, 1894, has been declined.

Parties to the lis are closely related, for, appellant Anil Kumar son of Hira Singh son of Moti Ram is nephew of respondent No.1 Dharampal son of Moti Ram. And respondent No.3 Smt.Narbadi is the daughter of Moti Ram. The dispute arose when Dharampal son of Moti Ram claimed the entire compensation, assessed by the Land Acquisition Collector (for short' "the Collector"), being the exclusive and the absolute owner of the acquired land (20 kanals). Whereas, Narbadi, daughter of Moti claimed to be a co-sharer to the extent of 2/7th share in the acquired land. And, the case set out by the appellant was that the acquired land, in fact, belonged to his father Hira Singh son of Moti Ram and respondent No.1 i.e.Dharam Pal son of Moti Ram in equal shares. Therefore, he was entitled to half share in the compensation. That being so, the Collector referred the dispute between the parties to the reference Court.

It is not disputed that originally the acquired land was owned by Moti Ram son of Nahar Singh, who suffered a decree dated 27.02.1986 in favour of his son Dharampal-respondent No.1. Concededly, father of appellant namely Hira Singh filed Civil Suit No.302 of 1997 and assailed the decree suffered by his father in favour of his brother Dharampal. However, vide judgment and decree dated 09.01.2007, the said suit was dismissed. Learned counsel for the appellant fairly submits that even the appeal preferred against the said decree failed, for it was dismissed. And, the said decree has since attained finality. It is not denied that the appellant Anil Kumar is claiming interest in the acquired land only through his father Hira Singh, against whom the decree dated 09.01.2007 has since become final.

That being so, claim of the appellant is wholly misconceived and lacks merits. Learned counsel for the appellant could not point out as to how the conclusions arrived at by the reference Court either suffered from any material illegality or was contrary to the position on record.

The appeal is accordingly dismissed .

11.11.2016

neenu

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No