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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 166/2016**

RAM CHANDER (NOW DECEASED) THR LRS & ORS

..... Appellants

Through: Mr. B.P.Gupta, Advocate.

versus

DEVI RAM & ORS

..... Respondents

Through: Mr. Sumit Chauhan, Advocate for R-1.
Mr. Sanjay Kr. Pathak, Ms. Kaumudi Kiran Pathak, Advocate for R-2/UOI.
Mr. Sunil Goel & Ms. Supreet Bimbra, Advocates for R-3 and 4.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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05.09.2016

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1. This L.A.Appeal impugns the judgment of the reference court distributing compensation under Section 30/31 of the Land Acquisition Act, 1894 between the interested persons.

2. Appellants, whose predecessor-in-interest was Sh. Ram Chander, was a party to the reference proceedings but the claim of Sh. Ram Chander was

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admittedly dismissed by the judgment dated 18.10.1979 in the very reference proceedings and which judgment was not appealed from by Sh. Ram Chander.

3. The judgment dated 18.10.1979 holding that Sh. Ram Chander had no right to seek compensation was a judgment in the nature of final judgment covered under Section 54 of the Land Acquisition Act on similar principles as contained in Section 96 CPC, and once the claim of Sh. Ram Chander was dismissed by a judgment and which judgment dated 18.10.1979 was not appealed from, now against the impugned judgment dated 12.2.2016 which distributes compensation between the other interested persons, at this stage, Sh. Ram Chander through his legal heirs cannot challenge the judgment dated 18.10.1979 which has become final. Also, it is noted that appellants who are the legal heirs of Sh. Ram Chander are challenging the judgment dated 12.2.2016 but not the judgment dated 18.10.1979 by which the claim of Sh. Ram Chander stood dismissed.

4. In view of the above, there is no merit in the appeal, and the same is therefore dismissed, leaving the parties to bear their own costs.