

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

CR No.2237 of 2017.

Date of Decision: 03.05.2017.

Jagannath deceased through his LRs Bijender and Rajpal

....Petitioners.

VERSUS

State of Haryana and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Abhinav Sood, Advocate for the petitioners.

SNEH PRASHAR, J.

Challenge in this petition is to the order dated 05.10.2016 passed by learned Additional District Judge, Gurgaon by virtue of which legal heirs of deceased Jagannath were impleaded.

The submissions made by Mr. Abhinav Sood, learned counsel representing the petitioners have been considered.

Learned counsel for the petitioners contends that petitioners Bijender and Rajpal are sons of deceased Jagannath. During his lifetime, Shri Jagannath executed a registered will dated 30.03.2009 bequeathing all his property in favour of the petitioners. On the basis of the will, the petitioners filed an application before learned Additional District Judge, Gurgaon in the reference petition under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') to implead them as legal heirs/ legal

will, impleaded the widow, both sons, daughter and son and daughter of the second daughter of deceased Jagannath. Relying on *Smt. Sahab Kaur vs. Avtar Singh and others, 2005(3) R.C.R. (Civil) 825*, learned counsel contends that where there was a dispute as to who is the legal representative of the deceased, learned trial court should have adopted due procedure i.e. should have held an enquiry to determine as to who all were to be impleaded as legal representatives of the deceased.

There appears no merit in the argument of learned counsel for the petitioner. It is not a case where the legal representatives not in natural line of succession had been impleaded by learned trial court, rather all the class-I legal heirs of the deceased including the petitioners were impleaded. In a reference petition under Section 18 of the Act, learned trial court was not to adjudicate upon the veracity of the will. In case of dispute regarding title over the suit land or dispute as to apportionment of compensation, reference to the Court under Section 30 of the Act is to be made. There being no illegality, perversity or jurisdictional error warranting interference in the order of learned trial Court, the petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

03.05.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**