

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

**CR No.1922 of 2018 (O&M)
Date of decision : March 22, 2018**

Bharat Pal

..... Petitioner

Versus

Jagdish Chand and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 14.03.2018 (Annexure P-1) passed by learned Addl. District Judge, Palwal, affirming the order dated 03.02.2018 (Annexure P-2) passed by learned Civil Judge (Jr. Divn.), Palwal, whereby an application filed by the present petitioner under Order XXXIX, Rule 1 and 2 read with Section 151 CPC, 1908 was dismissed.

Heard.

Plaintiff claimed that the land owned by his father was acquired and he being co-parcener, is entitled to his share of compensation. Both the Courts below have taken the view that at this stage, there are no documents on file that the suit property was ancestral. Secondly, defendant No.1 being *karta* of the family could receive the compensation from the Government. Therefore, the balance of convenience is in favour of defendant No.1.

I am of the view that the plaintiff is yet to prove his *prima facie* case. Otherwise also, he has got equally efficacious remedy under Section

30 of the Land Acquisition Act, 1894. Therefore, the injunction was rightly declined by both the Courts below.

As such, the present revision petition is dismissed. Since the main revision petition is dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 22, 2018
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No