

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.438 of 2018
Date of Decision: January 22, 2018

Guneet Kaur

...Petitioner

Versus

Sukhwinder Kaur & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Ravi Malhotra, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-Guneet Kaur, who is respondent in a reference under Section 3H(4) of the National Highways Act, 1956 (for short “1956 Act”) dealing with the apportionment of the compensation in case of a dispute, has impugned the order dated 11.10.2017, whereby the application for release of the compensation with regard to Khasra No.63, which is not the subject matter of the dispute in the Will set up by Sukhwinder Kaur executed by Kirpal Singh, husband of Sukhwinder Kaur and grand-father of the petitioner, has been dismissed.

Mr.Ravi Malhotra, learned counsel for the petitioner submits that the land comprising of various khasra numbers was acquired, but Khasra No.63 owned by Guneet Kaur petitioner has not been acquired and, therefore, it could not be said to be falling within the aforementioned provisions. The Court below had dismissed the application on the ground that there was no law, whereas once the matter was in respect of the Will

and the ownership of Guneet Kaur, there was no occasion for the Court below to order withholding of the amount till the adjudication of the dispute between the parties.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is no force and substance in the argument of the learned counsel for the petitioner.

It would be apt to reproduce the provisions of Section 3(H) (4) of the Act, which read thus:-

“(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

On perusal of the aforementioned provisions, the competent authority can always refer the matter to the competent court having original jurisdiction for the purpose of apportionment of the amount or any part thereof to any person in case of any such dispute. Since the dispute had been raised by the respective parties by setting up a Will executed by Kirpal Singh deriving of a title or interest from the Will, which may not be having the particulars of khasra number No.63, it would not be in the fitness of things to cause interference in the order declining the application of such nature as it is yet to be decided whether the Will is valid or not.

Keeping in view the fact that the respondents have not led any evidence, I dispose of the present revision petition with a direction to the trial Court to decide the reference as expeditiously as possible within a period of eight months from the date of receipt of certified copy of the

order.

Revision petition stands disposed of.

January 22, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No