

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

-:-

**R.F.A No. 1654 of 2018 (O&M)**

**Date of decision: 16.05.2018**

**Wazir Singh & Anr.**

**... Petitioners**

**Vs.**

**Balwan Singh & Ors.**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

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Present: Mr. Munfaid Khan, Advocate, for

Mr. Amit Kumar Jain, Advocate, for the petitioners.

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**G.S.SANDHAWALIA, J. (Oral)**

The appellants have challenge the order dated 27.02.2018, whereby the petition under Section 64/76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act') has been dismissed. Vide impugned order the alleged oral family settlement dated 01.01.2009 whereby the share of Rajpati has been surrendered in favour of the present appellants was disbelieved. Accordingly it was held that the respondents were entitled for the one-tenth share of the mother which she inherited out of 12 kanal 06 marla situated in Rect No. 20, Killa No. 22/3 (4-6), Rect. No. 23 Killa No. 2 (8-0) of khewat/Khatoni no. 165/253 of village Pindara, Tehsil and District Jind, which had been acquired for the purpose of the New Bus Stand, Jind.

The reasoning given by the Reference Court is that the deceased was an employee and was not present in village Pindara on the said date as she was in office and the attendance sheet Ex.R/2 was taken into consideration. Therefore the entire story as such by the appellants was disbelieved regarding the oral family settlement. The mutation which has been given in favour of the respondents was of 12.03.2016 and was accordingly

upheld.

Counsel for the appellants has vehemently argued that other sisters have surrendered their share and therefore, the legal representatives of Rajpati/respondent were also not entitled for her share. The transfer of 3/10<sup>th</sup> share of Ompati, Sushila, Nirmala was by registered Family Transfer on 07.01.2016 and the mutation was of 21.01.2016. Rajpati had already expired on 02.09.2010 and during her lifetime no effort as such was made to enforce the alleged oral family settlement and it is only after six years that the other sisters have consented, to surrender their share.

In such circumstances, the Reference Court was justified in dismissing the claim of the appellants as the respondents are entitled for the fruits of inheritance on account of their mother's share who had a right in the acquired land.

Resultantly, there is no scope for interference in the award of the Reference Court and accordingly, the appeal is dismissed in limine.

**May 16, 2018**  
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**(G.S. SANDHAWALIA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable: Yes/No