

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

RFA-2663-2018 (O&M)
Date of decision: 08.08.2018

Bihari (deceased) th. his son Maha SinghAppellant

Versus

Land Acquisition Collector & another ...Respondents

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

Present: Mr.Rajat Garg, Advocate, for
Mr.Aditya Jain, Advocate, for the appellant.

G.S. SANDHAWALIA, J. (Oral)

The present appeal is directed against the order dated 11.04.2017, whereby the Executing Court has granted the benefits of compensation as awarded to the co-sharer under Section 18 of the Land Acquisition Act, 1894. In similar circumstances, in RFA-2938-2018 titled *Naresh Kumar Vs. State of Haryana & others*, this Court on 10.07.2018, dismissed the appeal as not maintainable. Relevant portion reads as under:

“The present appeal has been filed under Section 54 of the Act claiming further enhancement as granted to the other land owners which reads thus:-

“54. Appeals in proceedings before Court.- Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the [Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLIV thereof.”

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235

RFA-2663-2018 (O&M)

-2-

Counsel has not been able to demonstrate in any manner as to how the impugned order dated 20.11.2015 is an award/decreed against which the appeal would lie under the above said provision.

Faced with this situation, counsel submits that he may be allowed to withdraw the present appeal with liberty to pursue his alternative remedy, if any, in accordance with law.

Ordered accordingly.”

Accordingly, the present appeal, which is barred by 193 days, is also dismissed on the same ground along with the application for condonation of delay, with the above-said liberty.

08.08.2018

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*