

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

RSA No. 255 of 2017(O&M)

Date of decision: 26.9.2018

Amrit Lal

.....Appellant

VERSUS

Sanjeev Saini and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Satbir Rathore, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration that respondent No.1/plaintiff is owner in possession of suit property, detailed in head-note of the plaint and for grant of permanent injunction restraining the defendants including the appellant from claiming/receiving compensation of acquired land by the National Highway Authority of India (in short 'NHAI') in respect of the suit property was dismissed qua relief of declaration but is allowed qua injunction restraining the defendants from receiving compensation qua 6½ marlas of land belonging to respondent-plaintiff acquired by NHAI. The appeal preferred by the present appellant and cross objections filed by his co-defendants were decided by the Additional District Judge, Hoshiarpur whereby both the appeal and cross objections were dismissed. The judgment and decree of the trial Court were affirmed.

Counsel for the appellant would state that the respondent/plaintiff filed the suit on 10.12.2008 but prior thereto, the parties have already received compensation from NHAI to the extent of their share reflected in the revenue record and till date the respondent/plaintiff has not filed any suit for recovery or mandatory injunction seeking amount of compensation received by the defendant/appellant, therefore, the present appeal may be disposed of.

Ordered accordingly.

SEPTEMBER 26, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no