

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

**C.R. No.870 of 2018 (O&M)  
Date of Decision.04.02.2019**

Manjit Singh and another ...Petitioners

Vs

Udai Singh and others ...Respondents

**2. C.R. No.2760 of 2018**

Shiv Inder Singh and others ...Petitioners

Vs

Udai Singh and others ...Respondents

**3. C.R. No.1086 of 2018**

Dhrupraj Singh and others ...Petitioners

Vs

Udai Singh and others ...Respondents

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Sumeet Mahajan, Senior Advocate with  
Mr. Amit Kohar, Advocate and  
Ms. Ramneeq Kaur, Advocate  
for the petitioners in C.R. No.870 of 2018.

Mr. M.S. Uppal, Advocate  
for the petitioners in C.R. No.1086 of 2018.

Mr. Ashish Aggarwal, Senior Advocate with  
Mr. Abhinav Aggarwal, Advocate  
for the petitioners in C.R. No.2760 of 2018.

Mr. Puneet Jindal, Senior Advocate with  
Ms. Neha Anand Mahajan, Advocate and  
Mr. Parteek Mahajan, Advocate  
for respondents No.1 and 2 in C.R. No.870 of 2018.

Mr. Narinder Kumar Vashist, Advocate  
for respondents No.4 and 5/Union of India in C.R.  
No.870 of 2018, for respondent No.6 in C.R. No.1086 of  
2018 and for respondent No.4 in C.R. No.2760 of 2018.

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**AMIT RAWAL J. (ORAL)**

This order of mine shall dispose of three revisions petitions involving identical questions of law. The present revision petitions are directed against the impugned order (Annexure P-20). The matter in hand is with regard to proceedings for determination of compensation as per the provisions of Section 3-H of the National Highways Act. The application of petitioners, who are owners, for disbursement of part of the amount of compensation as against submission of security was allowed but the aforementioned order on the application of other affected co-owners has been recalled.

Mr. Sumeet Mahajan, Id. Senior Counsel assisted by Mr. Amit Kohar, Mr. Ashish Aggarwal, Id. Senior Counsel assisted by Mr. Abhinav Aggarwal and Mr. M.S. Uppal learned counsel appearing for the petitioners submitted that the amount ordered to be refunded by the trial Court was as per the share of the respective parties, thus, application for recalling of the order was bereft of any explanation or reasoning, as they failed to establish their interest or share. In this regard, attention of this Court was drawn to the pedigree table as well as sale deed of 14.09.1956.

Per contra, Mr. Puneet Jindal, learned Senior Counsel assisted by Ms. Neha Anand Mahajan & Mr. Parteek Mahajan, learned counsel appearing for respondents No.1 & 2 in C.R. No.870 of 2018 submitted that there is no force in the submission of petitioners, as they with regard to determination of the claim or enhancement have already filed objections pending adjudication before the Court below and it is yet to be deciphered as to what would

be proportionate share of the petitioners out of ₹3 crores. The impugned order recalling the order is perfectly legal and justified. All the cases were adjourned but the application was entertained and amount was ordered to be disbursed on the same date.

I have heard learned counsel for the parties and appraised the paper book. Without commenting upon merits and demerits of the contention of learned counsel appearing for the parties, much less, proportionate shares of parties, which is yet to be determined by the Court in the pending application under the provisions of National Highways Act, the impugned order recalling the previous order whereby the amount was ordered to be disbursed, cannot be said to be suffering from any illegality or infirmity. In order to protect interest of the respective parties and to strike equities, the order under challenge is modified to the extent that in lieu of disbursement of the amount, they shall furnish bank guarantee of the equivalent amount to the satisfaction of the trial Court. The trial Court is directed to decide the matter within a period of 10 months after affording 4-4 effective opportunities to the parties.

The revision petitions are disposed of in the aforementioned terms.

**(AMIT RAWAL)**  
**JUDGE**

**February 04, 2019**

Pankaj\*

Whether Reasoned/Speaking    Yes

Whether Reportable                No