

216
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 12:43
I attest to the accuracy and
authenticity of this document

CR-2243-2019 (O/M)
Date of decision : 24.5.2019

Chandrawati Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ankur Tyagi, Advocate,
for petitioner.

Mr. Sandeep Vashisht, DAG Haryana.

Mr. Ravinder Rana, Advocate,
for respondents No. 4 and 5.

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KULDIP SINGH, J. (ORAL)

Impugned in present revision is order dated 25.1.2019, passed by learned Additional District Judge, Jhajjar, vide which application filed by petitioner under Order I Rule 10 CPC, 1908, for becoming party, was dismissed.

The controversy involved in this case is that land of petitioner and two other co sharers, namely, Maman Singh and Hariram, was acquired. Maman Singh and Hariram filed petition under Section 18 of Land Acquisition Act, 1894, for enhancement of compensation. Said petition has been referred to learned Additional District Judge, Jhajjar. In said petition, petitioner, who was co sharer to extent of 1/4th share, moved application under Order I Rule 10 CPC, 1908 which was declined by learned Additional District Judge, Jhajjar.

Heard.

I am of view that there is no illegality or infirmity in

impugned order. Unless reference is made by Collector to the Court, the Court cannot determine compensation qua person who is not a party to reference. Admittedly, under Section 28A of Land Acquisition Act, 1894, co sharer who is not party to reference filed under Section 18 of Land Acquisition Act, 1894, can claim same benefit. However, difficulty will arise if further appeal is filed before High Court or Hon'ble Supreme Court of India. No petition was submitted by petitioner before Collector. Therefore, no reference was made. She cannot be added in reference without there being any reference from Collector. It being so, revision is disposed of with liberty to approach Collector under Section 18 of Land Acquisition Act, 1894, and it shall be open to Collector to make a reference to Court of learned Additional District Judge, Jhajjar. If such reference is made, both references shall be tried and decided together. Considering that petitioner shall be entitled to same benefit as other co sharers, the delay in filing petition under Section 18 of Land Acquisition Act, 1894, will not come in the way of submission making reference.

(KULDIP SINGH)
JUDGE

24.5.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No

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