

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13568 of 2019
Date of Decision: 19.09.2019

Bimla (D) thr. LRs

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Rohit Mittal, Advocate for the petitioner

G.S. SANDHAWALIA, J. (Oral)

CM-8195-CWP-2019

This is an application filed under Order 22 Rule 3 CPC read with Section 151 CPC for bringing on record the legal representatives of petitioner, namely, Bimla, who is stated to have expired on 10.03.2018. The details of the legal representatives of the deceased petitioner have been mentioned in para 2 of the application and it has been averred that there is no other legal heir apart from those mentioned in the application. The application is duly supported by affidavit of Arvind Gupta son of the deceased petitioner.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed and the legal representatives of petitioner as mentioned in para 2 of the application, are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

Main case

The challenge in the present writ petition is to the order dated 03.01.2019 (P2) whereby Land Acquisition Collector, Jhajjar has dismissed

the application under Section 28A of the Land Acquisition Act, 1894. Admittedly, the petitioner has got remedy as such to challenge the same by getting the matter referred to the Reference Court in view of the provisions contained in Section 28A(3) of the 1894 Act which reads as under:-

3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, required that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.

Faced with this, counsel does not press this petition.

Accordingly, this petition is disposed of as not pressed with liberty aforementioned.

19.09.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No