

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

CR no.3804 of 2019 (O&M)

Date of Decision: 31.05.2019

Krishan

...Petitioner

Vs.

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Satinder Kumar Rana, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner has challenged the order passed by the learned trial court (Civil Judge, Jr. Divn.), Assandh, dated 18.03.2019, which reads as under:-

“Memo of appearance filed on behalf of defendant no.2. Now to come up on 03.04.2019 for filing written statement on behalf of defendants. POA on behalf of defendant no.2 also filed for date fixed.”

Upon query to the learned counsel for the petitioner as to what the grievance of the petitioner is against this order, by which the hearing in the suit has been adjourned to enable a defendant to file a written statement, he submits that despite an application under Order 39 Rules 1 and 2 of the CPC having been filed, no order thereon has been passed.

The prayer in this petition is to the following effect:-

“It is therefore, respectfully prayed that the present petition may kindly be allowed and the impugned order dated 18.03.2019 passed by learned Civil Judge (Jr. Divn.) Assandh be modified and the respondent be restrained from release the amount of award amongst the co-sharer during the pendency of suit and application of for partition, in the interest

of justice.”

However, it is seen that other than the State of Haryana and the District Revenue Officer, Karnal, those persons who are sought to be deprived of release of compensation for acquisition of their land, even if they are co-sharers of the petitioner as has been contended (with no comment made on that by this Court), the said persons have not even been impleaded as respondents in the suit.

Consequently, this petition is dismissed, with liberty to the petitioner to file a fresh one if he wishes to, by impleading all those co-sharers in respect of whom he seeks an order that they be not disbursed compensation, provided such petition is filed within a reasonable time.

31.05.2019
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No