

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

**RFA No.6386 of 2013 (O&M)
Date of Decision:01.11.2019**

Sharbati Devi and othersAppellant(s)

Versus

The State of Haryana and othersRespondent(s)

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

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Vikrant Rana, Advocate
Mr. Sandeep Sharma, Advocate,
Mr. Amit Jain, Advocate
Mr. Ashok Tyagi, Advocate
Ms. Bhanvi Sood, Advocate, for
Mr. Aditya Jain, Advocate
for the landowners.

Mr. Sudeep Mahajan, Addl. AG, Haryana.
Ms. Vibha Tiwari, AAG, Haryana.

G.S. SANDHAWALIA, J.

CM-11234-CI-2014

Application for placing on record copy of release deed
(Annexure A-1) and exemption from filing the certified copy of the same is
allowed subject to all just exceptions.

CM stands disposed of.

CM-11235-CI-2014

Application under Order 1 Rule 10 read with Section 151 of CPC
for deletion of names of the petitioner/appellant No.9 to 13 in the memo of
parties has been filed. It has been averred that appellant Nos.9 to 13 have
themselves relinquished their rights qua their share in the acquired property as
per registered release deed dated 26.11.2010 in favour of their mother Smt.
Sarwati Devi, appellant No.1 and as such their names be deleted from the array

of memo of parties. Copy of release deed is annexed as Annexure A-1.

The award was passed by the LAC on 31.03.2010 before the said release deed and therefore, the land had vested with the State. Resultantly, the same is not liable to be taken into consideration.

CM stands dismissed.

CM-11236-CI-2014

Application has been filed for bringing on record the legal heirs of deceased-appellant No.6 Gajraj. It is stated that the said appellant had expired on 29.01.2014 leaving behind his legal heirs as mentioned in para No.2 of the application, who are stated to be the only legal heirs of deceased appellant. It is further stated that there are no other legal heirs of the deceased appellant except ones mentioned in para No.2 of the application.

Accordingly, in view of the averments made in the application, duly supported by affidavit of Harsh Tyagi son of deceased-appellant, same is allowed subject to all just exceptions. Legal heirs as mentioned in para No.2 of the application are brought on record and 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. Amended memo of parties is taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

Main case:

The appeal filed by the landowners is allowed in terms of the detailed judgment of even date passed in RFA No.2573 of 2013 titled as **“Hem Chander & others Vs. State of Haryana and others.”**

01.11.2019

Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No