

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

RFA-3395-2014 (O&M)

Date of decision: 11.02.2019

Jumla Mushtarka Malkan, Village Manimajra, Hassab 100 Hissa Patti Uprli 67.75
Patti Tarli 32.25 through their shareholders Jora Singh & others

....Appellants

Versus

Union Territory, Chandigarh & others

...Respondents

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

Present: Mr.M.L.Sarin, Sr.Advocate
with Mr.Ritesh Aggarwal, Advocate
Mr.Shailendra Jain, Sr.Advocate
with Mr.H.J.Singh, Advocate
Mr.M.L.Saggar, Sr.Advocate
with Mr.Rohit Joshi, Advocate
Mr.P.C.Dhiman, Advocate
Mr.Pritam Saini, Advocate
Mr.Naresh Kaushal, Advocate
Mr.Raj Kumar Rathore, Advocate
Ms.Ekta Saini, Advocate, for
Ms.Ekta Thakur, Advocate
Mr.Hardip Singh, Advocate and
Mr.M.S.Rana, Advocate
Mr.Inderjit Sharma, Advocate, for the landowners.

Mr.Pankaj Jain, Sr.Standing Counsel
Mr.Tarun Walia, Advocate
Mr.Daman Dhir, Advocate
Mr.Anil Mehta, Advocate
Ms.Shivangi Sharma, Advocate
Ms.Geeta Sharma, Advocate, for U.T., Chandigarh.

Mr.Sudhir Nar, Advocate, for UOI in RFA-1335 to 1338-2013.

Mr.Satish Singla, Advocate, for UOI in RFA-2154-2012.

G.S. SANDHAWALIA, J. (Oral)

CM-5648-CI-2014

Application has been filed under Order 1 Rule 10 CPC, for
permission to file appeal on behalf of co-appellants No. 126 to 137,

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as co-sharers. It has been averred that the applicants are necessary persons who want to file appeal along with the other co-sharers and the details have been given from Sr.No.1 to 12 in the application.

The application is not liable to be allowed, keeping in view the fact that the other landowners had filed application under Section 18 of the Land Acquisition Act, 1894, within the prescribed period but the applicants did not. Therefore, the present applicants cannot get over the bar of limitation which is provided under Section 18(2)(b) of the Land Acquisition Act, 1894, by virtue of filing the present application. Resultantly, the same is dismissed, without restricting their right, as such, to seek their right of compensation, in any other proceedings, in accordance with law.

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The appeal is allowed.

For reasons, see judgment of even date passed in RFA No.2680 of 2012 titled as “**Ishar Singh Vs. Union Territory, Chandigarh.**”

11.02.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*