

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

**RFA No.6453 of 2015 (O&M)
Date of Decision:22.11.2019**

Arvind Kateva through his GPA Nitya Nand GargAppellant(s)

Versus

The State of Haryana and anotherRespondent(s)

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

Present: Mr. Pawan Kumar, Senior Advocate with
Mr. Surya Kumar, Advocate,
Mr. Anshuman Mandhar, Advocate and
Mr. Jagtar Kureel, Advocate,
Mr. Rajat Garg, Advocate for
Mr. Aditya Jain, Advocate,
Mr. Sanjay Vij, Advocate,
Mr. Sanjay Vashisth, Advocate,
Mr. Harsh Bungar, Advocate,
Mr. Udit Garg, Advocate,
Mr. Varinder, Advocate for
Mr. Saurabh Arora, Advocate
Mr. Aashish Chopra, Advocate,
Mr. Sandeep Sharma, Advocate,
Mr. Harshit Anand, Advocate for
Mr. Shekhar Verma, Advocate,
Mr. Navneet Singh, Advocate,
Mr. J.S. Saneta, Advocate,
Mr. P.R. Yadav, Advocate
for the landowners.

Mr. Sudeep Mahajan, Addl. A.G., Haryana with
Mr. Abhinash Jain, AAG, Haryana.

G.S. SANDHAWALIA, J.

CM-6984-CI-2018

Application under Order 22, Rule X & 151 CPC for impleading the applicant as appellant in the place of present appellant has been filed. The present appeal was filed by the appellant through his General Power of Attorney Nitya Nand Garg. Later on, on dated 07.01.2018, the appellant Arvind Katewa has allegedly executed a relinquishment deed in favour of his sister Anuja, the

applicant in the present application which was executed before the Executive Magistrate, Gurugram on 21.05.2018. As such the applicant has prayed that she be impleaded as appellant in the present case. The GPA in favour of Nitya Nand Garg was also cancelled.

A perusal of the relinquishment deed would go on to show that the relinquishment deed was executed on 07.01.2018 whereas the award passed by the LAC was on 12.08.2009 and in the present case award was passed by the Reference Court on 06.01.2015. The land had thus absolutely vested with State on 12.08.2009 and the right of the applicant to claim compensation of the property of the appellant on the basis of a unregistered document as such are factors, which cannot be allowed without notice to the relevant parties. Therefore, it would be appropriate if the applicant is given liberty to move the application before the Executing Court or a Court of competent jurisdiction for claiming her right in this regard. Accordingly, the application is dismissed with aforesaid liberty.

Main case

The appeal is allowed in terms of the detailed judgment of even date passed in RFA No.7271 of 2013 titled as “**Dharampal and others Vs. The State of Haryana and others.**”

22.11.2019

Parveen

(G.S. SANDHAWALIA)
JUDGE

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