

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 6161 of 2018 (O&M)

Vikas Jain
... Petitioner(s)

Versus

Land Acquisition Collector and Others
... Respondent(s)

AND

2. Civil Revision No. 6183 of 2018 (O&M)

Vikas Jain
... Petitioner(s)

Versus

Land Acquisition Collector and Others
... Respondent(s)

DATE OF DECISION: 12.12.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Dr. Deepak Jindal , Advocate
for the petitioner(s).

Mr. Jai Singh Yadav, Advocate
for the respondent No.8.

Anil Kshetarpal, J.

1. Challenging the correctness of two interlocutory orders, passed by the District Judge, Rohtak, during the pendency of the case under Section 30 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”), the petitioner has filed the present revision petition.

2. Vide order dated 28.11.2017, the respondent No.8, namely Sh. Jagat Singh has been impleaded as a party. The proceedings under

Section 30 of the 1894 Act are forwarded to the Reference court when there is a dispute with regard to apportionment/entitlement to the amount of compensation the acquisition of the land. The respondent No.8 (applicant) claims that he is the necessary party as he purchased the party vide registered sale deed dated 03.09.2000.

3. The learned counsel representing the petitioner contends that Sh.Jagat Singh purchased the property from Sh.Balwant who, in turn, had purchased the property from Sh.Jagdish (minor at that time) in the year 1989. He contends that the sale deed executed by Sh.Jagdish in favour of Sh.Balwant Singh, was *void ab initio*.

4. The argument suffers from the basic fallacy. A sale deed executed by the alleged minor may be voidable at the instance of the minor. Till the minor exercises that power, the sale deed is considered a valid document. Moreover, only an application under Order I Rule 10 of the Code of Civil Procedure, 1908, has been allowed to implead the purchaser as a party. These issues can be decided by the Court after permitting the parties to lead evidence.

5. In the Civil Revision No. 6183 of 2018, the order passed by the Court on 23.04.2018 permitting the respondent No.1 (applicant) to produce additional evidence has been allowed. He has been permitted to produce in additional evidence the sale deed bearing No.8676, dated 28.01.2000 and sale deed bearing No.8917, dated 09.03.2000. Once Sh.Jagat Singh has been impleaded as a party, he is required to be given an opportunity to prove his case.

interfere with the impugned order. Hence, both the revision petitions are dismissed.

6. The miscellaneous application(s) pending, if any, in both the revision petitions shall stand disposed of.

December 12, 2022
“DK”

(Anil Kshetarpal)
Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No