

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

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**RFA-832-2022 (O&M)
Date of decision: 01.12.2022**

DALEL SINGH

..Appellant

Versus

STATE OF HARYANA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Rathee, Advocate
for the appellant.

Mr. Pritam Singh Saini, Sr. Addl. A.G., Haryana.

ANIL KSHETARPAL, J(Oral)

This appeal has been filed along with an application for condoning the delay of 1566 days in filing the appeal.

The relevant facts, in brief, are required to be noticed:

Sh. Dalel Singh, Sh. Subhash, Sh. Ramesh Kumar and Sh. Bijender Singh who are the sons of Sh. Lal Chand were joint owners of the property which was acquired by the State of Haryana. All the brothers noted above filed a joint application to the Collector under Section 18 of the Land Acquisition Act, 1894, with a request to refer the matter to the Court. On being referred, the Reference Court vide LAC Case No.937 of 2010, decided on 30.10.2015, passed a common judgment deciding the joint claim of all the brothers. Sh. Subhash, Sh. Ramesh Kumar and Sh. Bijender Singh filed an appeal while Sh. Dalel Singh (appellant) was impleaded as proforma respondent as he was not available for signing the required documents. The appeal filed by the aforesaid three brothers was allowed. This appeal has been filed by Sh. Dalel Singh claiming the same amount of compensation. In fact, the case of the appellant already stands decided along with his

remaining three brothers. Once a joint reference petition was filed by all the four brothers, which was decided by the Reference Court by a common judgment, then, the appeal, even if filed by only three brothers, shall enure to the benefit of the appellant. There was a joint decree in favour of four brothers. It is not the case of the appellant that while filing the appeal by his brothers, the rights of appellant were relinquished or surrendered.

In such a situation, in terms of Order XLI Rule 4 of the Code of Civil Procedure, 1908, the appellant shall be deemed to be entitled to the same amount as payable to the remaining three brothers in terms of judgment passed in **Regular First Appeal No.458 of 2016, titled as “M/s Satkarta Realtors (P) Ltd. Vs. State of Haryana and others”**.

Hence, this appeal is misconceived.

With all these observations the present appeal is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

December 01st, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>