

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 5129 of 2022**

**Date of Decision: 14.11.2022**

Rajkaran Singh Boparai

... Petitioner(s)

Versus

Jasminder Kaur and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Krishan Singh Dadwal, Advocate  
for the petitioner(s).

Mr. Sandeep Chopra, Deputy Advocate General,  
Punjab, for the respondent No. 2 and 3.

**Anil Kshetarpal, J.**

1. In the proceedings under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”), Dr.Jaswinder Kaur has been brought on record as the legal representative of her father late Sh.Harnam Singh. The Court has found that the Will propounded by Dr.Jaswinder Kaur has been upheld by the Civil Judge (Junior Division) Batala, vide judgment date 07.03.2018.

2. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

3. The learned counsel representing the petitioner submits that when a formal application under Order XXII Rule 3 of the Code of Civil Procedure, 1908 (hereinafter referred to as “the 1908 Act”) was filed, the Reference Court should not have permitted Dr. Jaswinder Kaur to be

brought on record as a legal representative of late Sh.Harnam Singh. He

further contends that the judgment passed on 07.03.2018 is not final, but subject to scrutiny in the appeal, which is pending.

4. Once a competent Court of jurisdiction, at the first instance, has held that the Will executed by late Sh.Harnam Singh in favour of his daughter Dr.Jaswinder Kaur is valid, the Reference Court has not committed any error in bringing her on record as his legal representative. In such circumstances, filing of an application under Order XXII Rule 3 CPC was merely a formality.

5. As regards the pendency of the appeal, it may be noted that if the petitioner's first appeal is allowed, he can always file an application to bring him on record.

6. The learned counsel representing the petitioner apprehends that the Reference Court would release the payment in favour of Dr.Jaswinder Kaur. It may be noted here that the petitioner's first appeal is pending.

7. Keeping in view the aforesaid facts, the revision petition is disposed of with liberty to the petitioner to file an application before the First Appellate Court for passing an appropriate interim order.

**(Anil Kshetarpal)**  
**Judge**

**November 14, 2022**

**"DK"**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No