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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-458-2021 (O&M)

Date of Decision: 31<sup>st</sup> January, 2023

Harbinder Singh

... Petitioner

Versus

Union of India and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. R.S Madan, Advocate for NHAI.

Mr. Rajesh Mehta, Additional Advocate General, Punjab.

Mr. Prateek Sodhi, Advocate for respondents No. 5 to 7.

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**AVNEESH JHINGAN , J.(Oral)**

1. This revision petition is filed aggrieved of order dated 18.1.2021 passed by Additional District Judge, Jalandhar impleading respondents No. 5 to 8 (arrayed in this petition) (hereinafter referred to as 'the respondents') as Legal Representatives (LR's) of Piara Singh.

2. Brief facts of the case are that the land of Piara Singh was acquired by National Highway Authority of India (NHAI). The award dated 25.7.2011 was passed in favour of Piara Singh. Piara Singh expired on 8.8.2016. On 7.9.2017, Harbinder Singh-petitioner (son of Piara Singh) on basis of registered Will filed a petition for execution of the arbitral award. During the pendency of the execution, application was filed by the respondents (the sisters of petitioner) for impleading them as LR's of deceased Piara Singh.

3. The petitioner was claiming compensation on the basis of a registered Will. The Court considering that the compensation is to be paid to the LRs and the respondents are necessary party ordered their impleadment in execution proceedings.

4. Learned counsel for the petitioner has challenged the impugned order on the ground that as per sub-section 3H of The National Highways Authority of India Act, 1956 (for short 'the Act') the Executing Court cannot decide the entitlement and apportionment of the compensation to be received by the LRs.

5. Learned counsel for the respondents defends the impugned order.

6. On perusal of the impugned order, it is evident that the Executing Court has not decided the entitlement of LRs of Piara Singh to receive the amount of compensation or the dispute with regard to their apportionment. The order is only to ensure that all the persons claiming to be LRs of the deceased-Piara Singh are impleaded as party in the execution proceedings.

7. In such circumstances, no interference is called for.

8. Petition is dismissed.

9. Needless to say that if need so arises the parties would be at liberty to make a prayer before the Court concerned in consonance with the procedure prescribed under Section 3H of the Act.

10. Since the main case has been dismissed, the pending application(s), if any is rendered infructuous.

**(AVNEESH JHINGAN)**  
**JUDGE**

**31<sup>st</sup> January, 2023**