

2023:PHHC:092149

Present:- Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Satyaveer Singh and
Mr. Ashish Pundir and
Mr. Vishal Pundir, Advocates for the appellant

Mr. Jayender S Chandail and
Mr. Yashvinder Singh, Advocate for
respondent no.1, 2, 3 in all appeals

Mr. Sunil Kumar, Advocate for respondent no.3
in EFA-10-2018

Ms. Vibha Tiwari, AAG, Haryana

Mr. M.S.Khaira, Sr. Advocate with
Mr. Jaswinder Singh, Advocate for applicant-Aviraj Singh

ANIL KSHETARPAL, J (Oral)

1. By this order, four appeals i.e EFA-9-2018, EFA-10-2018, EFA-2-2023 and EFA-3-2023 shall stand disposed of.

2. The dispute is with regard to the entitlement to the compensation awarded for the involuntary acquisition of the land. The courts, in exercise of their powers, have enhanced the amount of compensation. Four execution petitions filed to execute the awards passed by the court are stated to be pending. In these execution petitions, the appellants herein have filed their objections. They claim entitlement to the share in the compensation on the basis of the Will.

3. Admittedly, some civil suits were filed. It is claimed by the respondents that two civil suits have been dismissed. Learned counsel representing the appellant submits that some of the said suits are still pending.

4. In all the appeals, civil suits to decide the inter se rights between the parties are pending. Hence, there is no occasion for the

Executing Court to decide the inter se rights between the parties on the basis of any third party objections. In a pending suit, a civil court can pass any interim order, appropriate for the case, for the effective dispensation of justice. As per judgment of the Supreme Court in **Dr.G.H.Grant vs. State of Bihar, 1966 AIR 237** it has been held that the jurisdiction of the civil court is co-extensive with the court dealing with land acquisition. This Court does not find it appropriate to hold parallel proceedings in the execution petition. Admittedly, the appellants did not become parties to the proceedings under the Land Acquisition Act, 1894. Moreover, no reference under Section 30 of the Land Acquisition Act, 1894 was sought by any of the appellants.

5. Sh.M.S.Khaira, learned senior counsel representing Aviraj Singh has brought to the notice of the Court the following interim order dated 01.03.2023 passed in a pending writ petition bearing no.CWP-3632-2023:-

“In view of the controversy involved, parties, including State of Haryana as well HUDA (now HSVP) are requested to supply their respective convenience Note (s). However, for clarity, it is observed here that same shall not form the part of judicial record.

Posted on 21.03.2023.

Compensation lying deposited with the Court concerned be not disbursed to either of the parties, till next date of hearing.”

6. Keeping in view the aforesaid facts, these appeals are disposed of with liberty to the appellants to pray for an interim order, if any, before the civil court. It is made clear that the observations made by this Court or by the Executing Court on the impugned order, on the merits of the case, shall not be construed as a final expression on the merits of the case.
7. Disposed of.
8. All the pending miscellaneous applications, if any, are also disposed of.

19.07.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE