

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

(201)

RSA-1555-1990

Decided on : 10.10.2023

Narinder Kumar Sharma and others

.....Appellant(s)

Versus

M/s DLF Universal Ltd. and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: None for the appellants.

Mr. Kunal Dawar, Advocate and
Ms. Tanika Goyal, Advocate for respondent No.1.

Mr. Arun Beniwal, DAG, Haryana.

G.S. Sandhawalia, J. (Oral)

None is present on behalf of the appellants. On the last date of hearing on 31.08.2023 also none was present. However, the following order was passed on the said date:-

“Counsel for the appellant is not present. On an earlier occasion, the regular second appeal was decided against the appellants (who were Defendant Nos.1 to 35) on 30.09.2010 in spite of the fact that counsel for the appellants had stated that he has no instructions to argue the matter. The matter was taken to the Apex Court in Civil Appeal No.95-96 of 2020. The matter was remanded by the Apex Court on 08.01.2020 by noting that the appeal could not have been decided on merits but could have been dismissed in default under Order XVI Rule 17(1) CPC. It was also observed that if the appellants do not appear and argue the case on the date fixed, this Court would be at liberty to proceed in the matter ex parte. Counsel for the appellant has not appeared though the case has been listed in the motion list. Counsel for respondent No.1 stated that the land in question which is measuring 7 kanals and 9 marlas situated in Khewat No.8, Khata No.8, Rect. No.5, Killa No.10/1 (1-19), Rect. No.6, Killa No.5 (5-10), Village

Shahpur, Tehsil and District Gurgaon has been acquired. If that is so, we are of the considered opinion that the matter would have been rendered infructuous and the parties to the suit would only have a right to seek their claim for apportionment under the acquisition proceedings by way of filing a reference petition as the suit for possession and permanent injunction has been decreed. Accordingly, let the said fact of acquisition be verified by counsel for the State by the next date of hearing. Adjourned to 10.10.2023.”

2. Mr. Dawar has placed on record photocopy of the Award No.10 for the year 2006-2007 showing that the land measuring 1.03 acres had been acquired in pursuance of the Section 4 notification having been issued under the Land Acquisition Act, 1894 (for short ‘the Act’) and the details of the land shows that the above-said portion also stands acquired.
3. Resultantly, keeping in view the provisions of Section 16 of the Act, the State would have become owner and the land would have vested in the State. Thus, we are of the considered opinion that the appellants are no longer interested in pursuing the present litigation on this account.
4. Accordingly, we dismiss the present appeal for want of prosecution by noticing the above facts. Needless to say that we have not commented upon the right to claim compensation.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

10.10.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No