

2025:PHHC:104924



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

**CR-7971-2019 (O&M)
Decided on:-12.08.2025**

Karnail Singh (since deceased thr. his LRs.) and othersPetitioners..

VS.

State of Punjab and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. N.K. Manchanda, Advocate,
for the petitioners.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

CM-26173-CII-2019

1. Prayer in this application is for impleading the legal representatives of petitioner No.8-Rachhpal Kaur, who died on 08.07.2019.
2. Notice of the application.
3. Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of the respondent-State and raises no objection to the prayer made in the application.
4. Having heard learned counsel for the parties and gone through the contents of the application, prayer made herein is allowed. Accordingly, the persons, namely, Chamkur Singh, Jasvir Kaur and Paramjit Kaur, who are already in the array of parties as petitioners No.7, 9 and 10, are ordered to be impleaded as legal representatives of petitioner No.8-Rachhpal Kaur

(deceased).

5. Application stands disposed of.

Main case

1. By way of present revision petition, prayer has been made for setting aside of order dated 11.09.2018 passed by learned Additional District Judge-cum-Reference Court, Moga, whereby, the reference petition filed at the instance of petitioners-landowners invoking Section 18 of the Land Acquisition Act, 1894 (for short, "1894 Act"), stands dismissed being barred by limitation.

2. A perusal of the record shows that aggrieved of an award dated 31.12.2012 passed under Section 11 of the 1894 Act, the petitioners-landowners invoked Section 18 of the 1894 Act, which was forwarded to the learned Reference Court. The same was declined being barred by limitation on the ground that the award under Section 11 of the 1894 Act was passed on 31.12.2012, followed by issuance of a notice dated 10.01.2013 to the petitioners-landowners, which was even replied by the petitioners on 21.01.2013 and as such, the reference petition preferred at the instance of petitioners-landowners on 22.09.2013 was clearly barred by limitation having been filed after more than 06 months from the date of knowledge of the passing of the award.

3. I have heard learned counsel for the parties and gone through the paper book.

4. The learned Reference Court has non-suited the petitioners-landowners only for the reason that vide communication dated 10.01.2013, they were intimated about the passing of the award dated 31.12.2012,

however, it has neither been established on record that the contents of award dated 31.12.2012 ever formed part of the communication dated 10.01.2013 nor even a copy of the award was appended along with the said communication. In the absence thereof, the Reference Court went wrong while non-suiting the petitioners on the ground of limitation. Moreover, the learned Reference Court even failed to afford any opportunity of leading evidence to the petitioners-landowners so as to rebut the plea set-up by the respondents qua the reference being barred by limitation. The limitation being a mixed question of law and facts; for the purpose of adjudication thereupon, it was essential for the Reference Court to have afforded an opportunity to both the parties for leading their evidence on the issue of limitation before taking any final decision.

5. In view of the above, the order dated 11.09.2018 is hereby set aside and the matter is remanded back to the learned Additional District Judge-cum-Reference Court, Moga to adjudicate upon the reference afresh after granting an opportunity to the parties so as to lead their evidence.

6. Considering the fact that the award under Section 11 of the 1894 Act in the present was passed on 31.12.2012, the Reference Court is requested to expedite the proceedings and conclude the same preferably within one year.

7. Pending application, if any, also stands disposed of.

12.08.2025

sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No