



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

RFA No. 1827 of 2018 (O&M)

Date of Decision: 07.11.2025

Ajay Kumar Goel (now deceased) through
LRs and others

...Appellants

Versus

Haryana Urban Development Authority and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Robin Dutt, Advocate
for the appellants.

Mr. Harmanjot Singh Gill, Advocate
for respondent No. 1-HUDA.

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for respondent No. 2.

Respondent Nos. 3 & 4 proceeded against ex parte
vide order dated 23.07.2019.

HARKESH MANUJA, J. (ORAL)

CM Nos. 372-CI & 373-CI of 2024

Prayer in the present applications moved on behalf of the applicant-appellant(s) bearing (i) CM No. 373-CI of 2024 is for impleading the legal representative of appellant No. 1-Ajay Kumar Goel, who died on 23.08.2022; and (ii) CM No. 372-CI of 2024 for exemption from filing the certified copy of Will dated 12.09.2012 (Annexure A-1) and Death Certificate dated 23.08.2022 (Annexure A-2) annexed with the application for impleading the legal representatives of appellant No. 1.

Notice of the applications stood issued vide order dated 26.02.2024.

Learned counsel for respondent No. 1-HUDA as well as learned counsel for respondent No. 2-State of Haryana have no objection against the prayer made in the applications.

In view of the above as well as averments in the applications, which are supported by the affidavit(s) of Ms. Rajani Subash Nangia D/o Subash Chander Nangia, who is the legal representative of deceased-Ajay Kumar Goel (appellant No. 1), the same are **allowed**, subject to all just exceptions. As a result thereof, the legal representative of above appellant No. 1, as mentioned in the application, is ordered to be brought on record to pursue the appeal. Exemption from filing the certified copy of Will dated 12.09.2012 and Death Certificate dated 23.08.2022 of appellant No. 1 is granted. It is made clear that this order shall have no effect on the authenticity of Will in question, if challenged before a Civil Court.

Amended memo of parties is taken on record.

Registry to do the needful.

MAIN APPEAL

The appellants, by way of present appeal, seek modification of an Award dated 18.07.2017 passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri (**hereinafter to be referred as “Reference Court”**), whereby their reference petition under Section 30 of the Land Acquisition Act, 1894 (**for brevity “1894 Act”**) seeking apportionment of the compensation

was disposed off, thereby making them entitled to 25% of the compensation amount, while the remaining 75% amount of compensation was ordered to be paid to one Banarsi Dass son of Devi Sahai-respondent No. 3.

[2] Briefly stating, the appellants, namely, Ajay Kumar Goel (now deceased), Arun Kumar Goel, Parveen Kumar Goel and Usha Rana are sons and daughter of late Shanti Sarup son of Banu Ram. Shanti Sarup, who died on 22.07.2000, left behind the appellants and one Dinesh Kumar Goel as his legal heirs. Shanti Sarup was owner of 1/4th share of land measuring 5 kanal situated in Mouja Jagadhri, HB No. 400, Tehsil Jagadhri comprising in Khewat No. 7, Khatauni No. 13, Khasra No. 33//9/2 (4-0) & 10 (1-0). It was pleaded that after the death of Shanti Sarup, the appellants alongwith Dinesh Kumar Goel inherited above mentioned 1/4th share in equal share and the said share was duly mutated in their name in the revenue record. The aforesaid land was acquired by the Haryana Urban Development Authority (**for short “HUDA”**) for development of Sectors 22, 23 & 24 vide Award dated 30.05.2005.

It was further pleaded that there was a wrong/incorrect entry in the revenue record in the name of one Banarsi Dass S/o Ram Lal-respondent No. 3, as “Gair Moursi” in the column of cultivation as there was no person of the said name. It was also pleaded that the appellants did not know the whereabouts of the said Banarsi Dass son of Ram Lal and in fact, the land was never cultivated by Banarsi Dass. It was thus pleaded that the

compensation in respect of the aforesaid land be paid to the appellants alongwith their brother Dinesh Kumar Goel, being owner of land in equal share. However, the Land Acquisition Collector refused to disburse the amount of the compensation of the above said land by stating that it should be decided in reference under Section 30 of the 1894 Act.

[3] The reference petition under Section 30 of the 1894 Act was filed in the Reference Court on 13.01.2014 alongwith three cheques, i.e. Cheque Nos. 659234 & 659235 both dated 06.01.2014 for Rs. 9 lakhs each; and Cheque No. 659233 dated 06.01.2014 for Rs. 1,44,315/-. Notices to respondent No. 3-Banarsi Dass son of Ram Lal and respondent No. 4-General Public were ordered to be issued by way of publication, but nobody appeared and accordingly, they were proceeded against *ex parte* on 16.12.2016 & 30.01.2016 respectively. Also, the name of respondent Nos. 1 & 2, i.e. HUDA & The LAC, Urban Estate, Haryana, Panchkula were ordered to be deleted from array of parties vide order dated 11.01.2017.

Towards *ex parte* evidence, the appellants examined appellant No. 1-Ajay Kumar Goel (since deceased) as CW-1, who tendered his duly sworn affidavit as Ex. CW-1/A and close their evidence on 03.02.2017.

[4] After examining the evidence and documents available on record, learned Reference Court, vide Award dated 18.07.2017, disposed off the reference petition seeking apportionment of the compensation, wherein the appellants were held entitled to 25% of

the compensation amount lying deposited and balance 75% of the amount were ordered to go to Banarsi Dass son of Ram Lal (respondent No. 3). Hence, the present appeal.

[5] This Court, while issuing notice of motion vide order dated 24.07.2018, stayed the disbursement of compensation beyond 10% to respondent No. 3-Banarsi Dass son of Ram Lal, which reads as under:-

“ Inter-alia contends that the petitioners are land owners who have been granted only 25% and balance is to go to respondent no.3-Banarsi Dass who was proceeded ex parte.

*It is submitted that mere stray entry of Gair Marusi would not entitle the tenant. It is further submitted that the Apex Court in **Haryana Wakf Board Vs. State of Haryana and others 2018 (1) R.C.R.(Civil)150** has held that the share of tenant would only be 10% until there is some statutory right to title.*

Notice of motion for 26.10.2018.

Disbursement to respondent no.3 beyond 10% shall remain stayed.”

[6] Vide order dated 26.10.2018, Co-ordinate Bench ordered for effecting the service upon respondent No. 3-Banarsi Dass and respondent No. 4-General Public by way of publication as before the Court below. The said publication was effected, but nobody appeared and accordingly, they were proceeded against ex parte vide order dated 23.07.2019 passed by this Court.

[7] Learned counsel for the appellants, *inter alia*, contends that the appellants being legal heirs of late Shanti Sarup, happened to be owners of land in question and thus entitled for entire

compensation as no person named Banarsi Dass (respondent No. 3 herein) was coming forward to claim the compensation.

[8] I have heard learned counsel for the parties and gone through the paper-book/relevant record.

[9] In the present case, the dispute relates to apportionment of compensation with respect to 5 kanal of land forming part of Khewat No. 7, Khatauni No. 13, Khasra No. 33//9/2 (4-0) & 10 (1-0), situated within the revenue estate of Village Mouja Jagadhri, HB No. 400, Tehsil Jagadhri, District Yamuna Nagar. Admittedly, the aforementioned land was owned by the predecessor-in-interest of the appellants, however, on account of an entry of "Gair Moursi" recorded in the revenue documents in the name of respondent No. 3 (Banarsi Dass son of Ram Lal), he was held entitled for award of 3/4th share of the amount of compensation. A perusal of the entire revenue record in the form of Jamabandis placed on record as Exhibits C-5 to C-14 i.e. for the year 1967-68, 1969-70, 1974-75, 1979-80, 1984-85, 1989-90, 1994-95, 1999-2000, 2004-05 & 2009-10; and Khasra Girdawaris as Exhibit C-15 from the year 1970-71 upto the year 2009-10, reflect the name of respondent No. 3 being in possession of the land as "Gair Moursi". However, in most of the Jamabandis except for the Jamabandis for the year 1969-70, 1974-75 and 1979-80, no entry of any rent has been mentioned. Further, no document has been produced from the side of respondent No. 3 so as to prove any payment of *batai* to the appellants-landowners.

[10] In the wake of afore-stated peculiar facts and circumstances, the award of compensation to the extent of 3/4th share in favour of respondent No.3 by the learned Reference Court cannot be held to be justified and accordingly, the same is modified and reduced to 10% while keeping in view the entries of possession recorded in favour of respondent No. 3 with respect to the aforementioned land. The remaining amount of compensation to which the appellants-landowners are thus found entitled, be released to them with immediate effect.

[11] **Disposed off** accordingly.

[12] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

November 07, 2025

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**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No