



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

**Civil Revision No. 131 of 2024 (O&M)
Date of Decision: 11.05.2026**

Sher Singh (since deceased) through LRs
and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the petitioners.

Ms. Komal Sharma, Deputy Advocate General, Haryana
for the official respondents.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 12.05.2023 passed by the learned Additional District Judge, Rewari-cum-Executing Court in Execution Petition No. EXE-686-2016, titled “*Sher Singh etc. Versus State of Haryana & Ors*”.

[2] In the present case, some land owned by the petitioners-landowners situated within the revenue estate of Rewari, came to be acquired for the public purpose of “*development of land for Sectors-6 & 7 (HUDA, Rewari) for residential and commercial purposes*”. The Land Acquisition Collector vide its Award dated 07.12.2006 assessed the market value @ Rs.12,50,000/- per acre.

[3] Being aggrieved thereof, the petitioners-landowners filed their objections, which were referred to the competent court vide LAC Case No.233 of 2008. The same was decided on 09.02.2011 and the market value

was enhanced to Rs. 1,700/- per square yard (Rs. 82,28,000/- per acre). Still aggrieved, respondent Nos. 4 & 5 filed Regular First Appeal wherein the petitioners herein were impleaded as proforma respondents.

[4] The said Regular First Appeal, i.e. RFA No. 1977 of 2012 was decided by this Court vide judgment dated 29.01.2016 with a bunch of appeals, lead case of which was RFA No. 3341 of 2011, and the market value was enhanced to Rs. 4,044/- per square yard (Rs. 1,95,72,960/- per acre) alongwith other benefits.

[5] Based on the aforesaid, the petitioners as well as respondent Nos. 4 & 5 preferred Execution Petition No.686 of 2016 in LAC Case No.233 of 2008 and RFA No.1977 of 2012. The said Execution Application has been disposed of by the learned Executing Court while passing the impugned order dated 12.05.2023, whereby the Execution Petition with respect to the petitioners has been dismissed on the ground that they were not the appellants before this Court in RFA No.1977 of 2012. Hence, the present Revision Petition.

[6] I have heard learned counsel for the parties and have gone through the records.

[7] In terms of Order 41 Rule 4 of the Code of Civil Procedure, 1908, once the petitioners were impleaded as proforma respondents in the Regular First Appeal No.1977 of 2012, the decision passed therein with respect to the enhanced compensation even applied to their rights as well and as such, they rightly filed the execution application(s). Reference in this regard may be made to the order dated 01.12.2022 passed by this Court in **RFA No. 832 of 2022**. The relevant part of the said order is extracted hereinafter:-

" Sh. Dalel Singh, Sh. Subhash, Sh. Ramesh Kumar and Sh Bijender Singh who are the sons of Sh. Lal Chand were joint owners of the property which was acquired by the State of Haryana. All the brothers noted above filed a joint application to the Collector under Section 18 of the Land Acquisition Act, 1894, with a request to refer the matter to the Court. On being referred, the Reference Court vide LAC Case No.937 of 2010, decided on 30.10.2015, passed a common judgment deciding the joint claim of all the brothers Sh. Subhash, Sh. Ramesh Kumar and Sh. Bijender Singh filed an appeal while Sh. Dalel Singh (appellant) was impleaded as proforma respondent as he was not available for signing the required documents. The appeal filed by the aforesaid three brothers was allowed. This appeal has been filed by Sh. Dalel Singh claiming the same amount of compensation. In fact, the case of the appellant already stands decided along with his remaining three brothers. Once a joint reference petition was filed by all the four brothers, which was decided by the Reference Court by a common judgment, then, the appeal, even if filed by only three brothers, shall enure to the benefit of the appellant. There was a joint decree in favour of four brothers. It is not the case of the appellant that while filing the appeal by his brothers, the rights of appellant were relinquished or surrendered.

*In such a situation, in terms of Order XLI Rule 4 of the Code of Civil Procedure, 1908, the appellant shall be deemed to be entitled to the same amount as payable to the remaining three brothers in terms of judgment passed in **Regular First Appeal No.458 of 2016, titled as "M/s Satkarta Realtors (P) Ltd. Vs. State of Haryana and others"**.*

[8] In such circumstances, the order dated 12.05.2023 is set aside to the extent of dismissal of the execution application preferred at the instance of petitioners and the learned Executing Court is requested to entertain their Execution Application and proceed further in accordance with law towards release of enhanced compensation in terms of decision

dated 29.01.2016 passed in RFA No.1977 of 2012.

[9] **Disposed of** accordingly.

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

May 11, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>