



CR No.5487 of 2018 (O&M)

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

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CR No.5487 of 2018 (O&M)
Date of Decision:07.04.2026

GENERAL MANAGER NTPC APCPL JHARLIPetitioner
Vs
SURAJBHAN (NOW DECEASED) TH. HIS LRS AND ORS.. ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikas P. Singh, Advocate
for the petitioner.

Mr. S.P. Chahar, Advocate
for the respondents.

Mr. Abhinav Kalia, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

CM No.4027-CII of 2020

Prayer made in this application is for recalling of the order dated 27.01.2020 passed by this Court.

Notice of the application was issued to the non-applicant/respondents on 24.02.2020.

Having heard learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. Order dated 27.01.2020 passed by this Court is hereby recalled.

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[1]. By way of present petition, challenge has been laid to the order dated 03.08.2018 passed by the learned Additional District Judge, Jhajjar-cum-Executing Court, whereby the objections preferred at the instance of petitioner, opposing the prayer made by the respondents-landowners about release of enhanced amount of



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compensation in their favour in terms of decision dated 04.02.2016 passed by this Court in RFA No.4220 of 2014, stands declined.

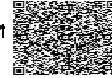
[2]. To be precise, respondent No.1, who was arrayed as proforma respondent in RFA No.4220 of 2014 decided by this Court on 04.12.2016, prayed for release of enhanced amount of compensation as assessed by this Court in the aforementioned appeal @ Rs.29,00,400/- per acre besides other statutory benefits and interest by way of filing execution petition before the learned Executing Court.

[3]. The objection raised on behalf of the petitioner was that since respondent No.1 was not the appellant in the above mentioned RFA and was arrayed only as a proforma respondent, as such, he or his LR's were not entitled for release of the compensation as re-assessed and enhanced by this Court.

[4]. The learned Executing Court vide impugned order dated 03.08.2018, rejected the objections preferred at the instance of the petitioner while holding that despite respondent No.1 being a proforma respondent in RFA No.4220 of 2014, he was entitled for release of benefit of enhanced compensation as assessed by this Court vide its decision dated 04.02.2016. Hence the present revision petition.

[5]. I have learned counsel for the parties and gone through the paper book.

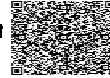
[6]. No doubt, respondent No.1 hereinabove was arrayed as proforma respondent No.4 in the memo of parties filed in RFA No.4220 of 2014; however, a perusal of the adjudication made by this Court, clearly shows that all the landowners in the said appeals were held entitled to receive the enhanced compensation @ Rs.29,00,400/- per acre. The relevant portion from the decision dated 04.02.2016 made by this Court in RFA No.4220 of 2014 is extracted hereunder:-



“Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that two appeals filed by the beneficiary department, i.e. Aravali Power Company Private Limited have been found wholly misconceived, bereft of merit and without any substance, thus, these these must fail and the same are hereby dismissed. The appeals and cross objection filed by the land owners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners in these appeals are held entitled to receive the compensation for their acquired land @ Rs.29,00,400/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them, under the relevant provisions of the Act.”

[7]. The aforesaid findings recorded by this Court clearly show that in exercise of its appellate jurisdiction, all the landowners in the appeals were held entitled for enhanced amount of compensation against their acquired land irrespective of whether they were appellants or respondents. Thus, respondent No.1 despite being arrayed as proforma respondent in RFA No.4220 of 2014 is entitled for release of compensation at the same rate as awarded to the appellants therein.

[8]. Even in terms of Order 41 Rule 4 of the Code of Civil Procedure, 1908, once a party is impleaded as a proforma respondent in the Regular First Appeal, the decision passed therein with respect to the enhanced compensation ensures to his benefit as well. As such, respondent No.1 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 wherein it was held that once a joint decree is passed, the benefit thereof extends to all co-sharers, even if some of them were impleaded as proforma respondents. 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".

[9]. It may also be noted that the re-assessment made by this Court vide decision dated 04.02.2016 was subsequently modified by the Hon'ble Apex Court to Rs.25 lakhs per acre, and respondent No.1 has admittedly been released compensation at the said rate for his acquired land. Moreover, it is essential to ensure the benefit of similar market value to respondent No.1 as assessed in favour of the appellants in RFA No.4220 of 2014 so as to uphold the principle of just and fair compensation in favour of the landowners against their acquired land.

[10]. In such circumstances, there being no illegality or perversity in the findings recorded by the learned Executing Court, no interference is called for in the impugned order. Accordingly, the present petition stands dismissed being devoid of merits.

[11]. Pending application(s), if any shall also stand disposed of.

April 07, 2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No