

2026:PHHC:068707



202-u **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4628-2025 (O&M)
Decided on:-04.05.2026

Haryana Shehri Vikas Pradhikaran
thr. its Estate Officer, HSVP, Rewari

....Petitioner..

vs.

Phoolwati and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, Advocate,
Mr. Yaseen Sethi, Advocate and
Mr. Siddhanth Arora, Advocate
for the petitioner.

Mr. Vishal Sharda, Advocate,
for respondent No.1.

Mr. Abhinav Kalia, DAG, Haryana,
for respondents No.2 and 3.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 09.03.2020 passed by the Court of learned Additional District Judge, Rewari, whereby respondent No.1 herein, who was arrayed as proforma respondent in RFA-5353-2011 has been directed to be released the benefit of enhanced compensation.

2. In the present case, some land owned by respondent No.1 forming part of revenue estate of village Rewari, Tehsil and District Rewari, came to be acquired vide notifications dated 06.01.2006 and 09.08.2006,

issued under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 (hereinafter referred to as “1894 Act”), followed by award No.25 & 26 dated 07.12.2006 passed by the Land Acquisition Collector (for short, “LAC”), granting the market value @ Rs.12,50,000/- per acre. The acquisition was carried out for the public purpose, namely, “*for development and utilization of land for Sectors 6 & 7, Rewari for residential and commercial purposes*”.

3. Aggrieved of the determination made by LAC, the respondent No.1 along with other landowners filed their objections under Section 18 of the 1894 Act. Vide award dated 09.02.2011, the learned Reference Court re-assessed the market value of the acquired land to Rs.1700/- per square yard. Aggrieved against the same, respondent No.1 did not file Regular First Appeal, whereas, her co-applicants in the reference under Section 18 preferred RFA-5353 of 2011. In the said Regular First Appeal, respondent No.1 was impleaded as proforma respondent and the same was decided by this Court vide order dated 29.01.2016 and the market value was enhanced to Rs.4044/- per square yard. Based thereupon, respondent No.1 filed execution application, which came to be allowed by the learned Executing Court while directing the petitioner to release the benefit of enhanced compensation to the tune of Rs.4044/- per square yard as well as other statutory benefits in favour of respondent No.1 vide order dated 09.03.2020. It is the said order which has been impugned by way of present revision petition.

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

5. In terms of Order 41 Rule 4 of the Code of Civil Procedure, 1908, once respondent No.1 was impleaded as proforma respondents in the Regular First Appeal No.5353 of 2011, the decision passed therein with respect to the enhanced compensation also applied to her. As such, she was well within her rights to file the execution application(s) seeking the benefit of the enhanced compensation. 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".

6. In the light of what has been discussed herein above, this Court does not find any merit in the instant revision petition, as such, the same stands dismissed. Resultantly, the impugned order dated 09.03.2020 passed by the learned Additional District Judge, Rewari, is hereby upheld. The learned Executing Court is requested to proceed further in accordance with law towards release of enhanced compensation in favour of respondent No.1 in terms of decision dated 29.01.2016 passed in RFA-5353-2011.

7. Pending application(s), if any, shall also stands disposed of.

04.05.2026
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(HARKESH MANUJA)
JUDGE

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