

(2010) 12 P&H CK 0262

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 7711 of 2009 (O and M)

Lilu Ram and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10
Land Acquisition Act, 1894 — Section 18, 30

Citation : (2010) 12 P&H CK 0262

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Alok Singh, J.—Petitioners have assailed the order dated 9.12.2009 passed by Additional District Judge/Reference Court, Hisar.

2. Brief facts inter alia are that Respondents have made reference u/s 18 read with Section 30 of the Land Acquisition Act being aggrieved from the award No. 9 dated 8.1.2005 and their reference was referred to the Reference Court by the learned Collector, which is pending disposal before the Reference Court. Petitioners moved an application under Order 1 Rule 10 CPC before the Reference Court seeking impleadment in the reference proceedings saying Respondents have illegally included land of the Petitioners measuring 2 kanals 13 marlas. Learned Reference Court has rejected the application seeking Civil Revision impleadment on the ground that Petitioner have not made any reference u/s 18 read with Section 30 of the Act, hence Petitioners cannot be impleaded in a reference made by other party.

3. I am in full agreement with the observations made by the learned Reference Court. Ordinarily, third party should not be impleaded in a reference made by other party in the absence of any reference made by the third party seeking impleadment.

4. Learned Counsel for the Petitioners vehemently argued that Respondents may get enhanced compensation over the land belonging to the Petitioners, hence Petitioners are necessary party to be impleaded to bring before the Reference Court this important fact. Learned Counsel for the Petitioners further states that Petitioners have also moved a Reference u/s 18 of the Act before the Collector on which no reference has been made so far.

5. As observed hereinabove, in a reference made by one party, third party ordinarily should not be allowed to be impleaded and third party has to make its own reference before the Collector, if it is not feeling satisfied with the compensation awarded by the Collector. I do not find any fault with the view taken by the Reference Court.

6. Petition is dismissed. However, it is clarified that if any reference is also made by the Petitioners in accordance with law within time, Collector is expected to pass appropriate order thereon in accordance with law.