

EX 395/16
CHANDAN ORS.
Vs.
UNION OF INDIA

20.11.2025

Present : None for DH.

None for Union of India.

Ms. Gagandeep Kaur, Ld. counsel for applicants.

(Joined through VC)

a) This order shall decide the application filed by applicants namely Smt. Jagwati, Smt. Bhagwati and Smt. Ramwati seeking their impleadment in the present execution petition.

b) It is the case of the applicants that Late Chandan was the absolute owner of the land admeasuring 6 bigha & 8 Biswa situated in khasra no. 525/364 & 562/371 revenue estate of Village Kondli, Illaqa Shahdra, Delhi. It is further stated in the application, that said Lt. Chandan survived by three sons namely, Tek Ram, Rajinder Singh & Bijender Singh and present applicants. It is argued on behalf of the applicants that being legal heirs of late Chandan, applicants are necessary party to the present petition and are entitled for the proportionate compensation in respect of aforesaid land.

c) Per contra, the counsel for the present decree holders argued that after the death of Late Chandan, his aforesaid sons

already executed registered assignment deed dated 05.07.1994, thereby assigning the rights of compensation in the relevant proceedings in favour of present decree holders.

d) On other hand, Ld. counsel for the applicants argued that the sons of Late Chandan cannot assign the rights of applicants in in the land in question in favour of present decree holders. It is argued on behalf of applicants that sons of Late Chandan only assigned rights in the land in question which were vested in their names.

e) I do not agree with the contention of Ld. counsel for the applicants. A perusal of the assignment deed dated 05.07.1994 would show that the same was executed in respect of entire land area 6 bigha & 8 Biswa situated in khasra no. 525/364 & 562/371 revenue estate of Village Kondli, Illaqa Shahdra, Delhi whereby the compensation rights in respect of above said land were assigned in favour of present decree holders.

f) Ld. Counsel for the decree holders also draw attention of this Court to order dated 07.11.1997 whereby the present decree holders were substituted in place of earlier appellants in RFA/237/92 before the Hon'ble High Court of Delhi. Admittedly, the RFA/237/92 was filed in respect of entire aforesaid land. It is not the case of the present applicants that their brothers have impleaded themselves in the reference petition without their consent or knowledge. The applicants have also not challenged the implement of their brothers in the reference petition till date. In view of this Court, the brothers of the applicants were representing the entire aforesaid land before the Appellate Court

and by virtue of the aforesaid assignment deed, they have assigned their rights to receive compensation in respect of entire land in favour of present decree holders.

g) Furthermore, present applicants also filed their objections on the similar grounds which were dismissed by order dated 20.07.2018 for non-prosecution. In the garb of present application, the applicants are raising those objections again without giving any plausible reason for their non appearance in the earlier objections. The applicants are trying to put entire blame on the earlier counsel without any basis.

h) I would prefer to place reliance on para 10 of the recent judgment of the Hon'ble Supreme Court of India titled "**RAJNEESH KUMAR & ANR. V VED PRAKASH**" dated 21.11.2024 passed in *S.L.P. (CIVIL) NOS. 935-936 of 2021*. The said para 10 reads as under:

"10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief."

i) Therefore, applicants cannot be allowed to throw entire

blame on their previous counsel for their non appearance in earlier objections.

j) Further, the applicants have neither sought setting aside of order dated 20.07.2018 nor filed application seeking restoration of their earlier objections. However, cleverly the applicants filed the present impleadment application raising similar objections those were already dismissed for non-prosecution.

k) The applicants have also not challenged the assignment deed dated 05.07.1994 despite having admitted knowledge of the same since year 2014. In view of the Court, by way of present application, the applicants are trying to challenge the finality of the order dated 07.11.1997 passed in RFA No.237/1992 and the rights created by assignment deed dated 05.07.1994 which is not permissible at this stage before this forum.

l) Accordingly, the application filed by applicants namely Smt. Jagwati, Smt. Bhagwati and Smt. Ramwati seeking their impleadment in the present execution petition is hereby dismissed.

Put up for arguments on the aspect of maintainability of present execution petition on **26.11.2025**.

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/20.11.2025