

Inder Singh & Ors Vs. State of HP & Ors.
CMA No. 304 of 2026

30.07.2026

Present: Sh. Ajay Chauhan, Adv. Ld. counsel for the applicants.

Ms. Ruminder Bains, Ld. A.D.A. for the respondents No. 1&3.

Sh. Nikhil Aggarwal, Adv. Ld. Counsel for the respondents No. 2&4.

This order shall dispose of an application filed under Order 1 Rule 10 CPC for bringing on record legal heirs of deceased Smt. Sodha Devi, who was the petitioner No. 9 in reference petition No. 26-N/4 of 2021, decided on 29.11.2024. It has further been averred that Smt. Sodha Devi expired on 01.09.2018 during the pendency of the petition. Death certificate of Smt. Sodha Devi Ext. P1 has also been placed on record. As per copy of legal heirs certificate Ext. P2, annexed on record, the following are stated to be legal heirs of late Smt. Sodha Devi:-

1. Prithvi Singh (son)

2. Dalip Singh (son)

2. By way of this application, it has been prayed that application be allowed and the aforesaid legal heirs of the deceased Amar Singh be ordered to be brought on record.

3. Smt. Sharda Devi, Record Keeper, Office of learned District & Sessions Judge, Sirmaur District at Nahan vide her separate statement has stated that she has brought the requisite record and as per record, petitioners including Smt. Sauda Devi wife of Sh. Sunder Singh daughter of Sh. Bhaga had filed the main reference petition bearing No. 26-N/4 of 2021 before the Land Acquisition Collector on 12.09.2017 as per diary No. 1253 dated 12.09.2017 appended on main reference petition. The petition had been verified by the petitioners on 26.08.2017.

4. The Hon'ble High Court of H.P. in case of **Bhag Singh**

Vs. Collector Land Acquisition HPPWD Mandi, 2018 AIRCC 2369 has held as follows:-

'26'. Conjunctive consideration of relevant provisions and binding pronouncements of the Apex Court, following principles would be appropriate to deal with various situations arising on account of death of land owner/claimant:-

1. In case, claimant/land owners expires during pendency of land reference made under Section 18 of the Act, provisions of Order 22 CPC for bringing his legal representatives on record in such proceeding may be invoked and Court should follow procedure to deal with situation as provided in Khewa Ram's case Latest HLJ 2007 HP 270 referred supra. Further, in case no one comes forward for substitution of deceased claimant through his legal representatives, the reference petition is to be decided finally on the basis of material placed before the Court by party(ies).

2. Despite applicability of Order 22 CPC, rigours of abatement shall not be applicable in land reference cases.

3. Though, no provisions of the Limitation Act, 1963 is applicable to such application, however, the application has to be made within reasonable period depending upon the facts and circumstances of each case to be considered and determined by the Court.

4. In case of death of claimant before registration of reference petition in the Court, but noticed after registration of reference petition, provisions of Order 22 CPC will not be applicable, but provisions of Order 1 Rule 10 CPC will be attracted.

5. If claimant expires after submitting application by land owner/claimant to Land Acquisition Collector for making land reference, but before making the reference, then it is duty of the Land Acquisition Collector to make reference indicating therein the legal representatives of

deceased claimant as interested parties on behalf of deceased.

In case, he fails to do so, and the fact of death of claimant comes to notice of Court during pendency of reference, the Land Acquisition Collector should be asked by the Court to furnish the details of legal representatives of deceased claimant and Court should issue notice to them and add them as claimants in place of deceased claimant after deleting the name of deceased claimant by exercising the power under Order 1 Rule 10 (2) CPC.

Legal representatives, after having knowledge of land reference made to the Court by Land Acquisition Collector, may also approach the Court themselves by invoking the provisions of Order 1 Rule 10 CPC as Order 22 CPC will not be applicable in such a situation for the reason that claimant has not expired during pendency of land reference petition.

6. In case claimant expires after dispatch of reference to the Court, but before registration of the same in the Court, in such eventuality also, Land Acquisition Collector is under obligation to substitute the deceased claimant by his legal representatives. However, after having the knowledge of pendency of reference petition, legal representatives, on their own, may also approach the Court under Order 1 Rule 10 CPC and the Court either on application of legal representatives or its own, after having details of legal representatives of deceased claimant from Land Acquisition Collector, and after issuing notice to them, can add such legal representatives as party to the reference petition invoking Order 1 Rule 10(2) CPC.

7. In case the claimant expires after registration of reference petition, but before service of notice, then also firstly it is duty of the Land Acquisition Collector to furnish the details of legal representatives of deceased claimant and the Court can address him to do so, whereupon

the Land Acquisition Collector has to furnish detail of legal representatives of deceased claimant, whereupon the Court shall issue notice to such legal representatives of deceased claimant. After having presence of such legal representatives, the Court can add them after deleting the deceased claimant, by exercising power under Order 1 Rule 10 (2) CPC or they can be added as claimants on filing an application by them by invoking provisions of Order 1 Rule 10 CPC after receiving the notice from Land Acquisition Collector or otherwise having the knowledge of pendency of land reference petition as the death of claimant takes place after making of reference, but before service of notice and at that time neither deceased nor his legal representatives are having the knowledge of making of reference to Court. At this stage, Order 22 CPC can also be invoked in such a situation, as claimant expires after registration of reference petition in the Court i.e. during pendency of reference petition.

8. In case the claimant expires after receiving the notice in reference petition from the Court, then certainly it is duty of the legal representatives of deceased claimant to come on record within reasonable period to continue the proceedings of reference petition and in such a situation, provisions of Order 22 CPC shall be applicable.

Legal representatives of deceased claimant can themselves approach the Court under relevant provisions of law applicable for their impleadment in proceeding at any stage without waiting either for furnishing of detail by Land Acquisition Collector or for issuance of notice by the Court. The Court after considering objection of respondent, if any, shall pass appropriate order, in accordance with law.

27. In view of above discussion, particularly principles enumerated hereinabove, impugned

order is set aside and present appellants, who are legal representatives of deceased Chamaru Ram, are permitted to be taken on record of land reference petition. As noticed above, Land Reference Petition No. 44 of 2003, titled as Jawahar Lal & others vs. Collector Land Acquisition, wherein deceased Chamaru was one of claimants, stands finally decided by learned Additional District Judge, enhancing the amount of compensation to the land owners. Therefore, the present appellants, i.e. legal representatives of deceased Chamaru Ram, are also held to be entitled for the same amount of compensation as has been awarded to other co-owners in the said Land Reference Petition No. 44 of 2003, along with consequential benefits including interest, subject to modification thereof, if any, in any other judgment passed by the competent Court in appeal or any other proceedings arising out of the award passed in said Land Reference Petition.

5. In view of the law (supra), laid down by the Hon'ble High Court of H.P., the present application is allowed and the aforesaid legal heirs of the deceased Sodha Devi are brought on record. The application is accordingly disposed of. After due completion be tagged. Application filed for release of compensation amount be listed for consideration on **03.08.2026**.

Sd/-

(**Gaurav Mahajan**)
Addl. District Judge
Sirmaur District at Nahan, H.P.