



CR-6756-2026

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2026:PHHC:126912

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

Item No.113

CR-6756-2026

Date of Decision: 09.09.2026

Gian Singh (since deceased) through his legal heir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. P.S. Jammu, Advocate for the petitioner
Mr. Abhinav Kalia, Deputy Advocate General, Haryana
Mr. Jagdish Manchanda, Senior Advocate with
Mr. Nischal Choudhary, Advocate,
Mr. Akash Choudhary, Advocate and
Mr. Saksham Kaushik, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 227 of the Constitution of India is setting aside of order dated 17.08.2026 whereby learned Additional District Judge, Sirsa-cum-Executing Court has rejected his application under Order I Rule 10 of Code of Civil Procedure, 1908.

2. The instant petition has been filed against order dated 17.08.2026. Operative portion of the said order reads as:-

"11. After hearing the rival contentions of both the parties, this court has come to the conclusion that present application is devoid of merit and same is liable to be dismissed. It is admitted fact that applicant has filed the reference under Section 18 of the LA Act 1894 in the LAC petition No.119/120 of 2011 and he has also admitted that he has filed a petition/reference under Section 30 for apportionment which was dismissed by competent Court and he also admitted that his matter is pending before Hon'ble Punjab & Haryana



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High Court. For that purpose, he has not attached any document, moreover, there is no stay granted in his favour or any other order in which Hon'ble Punjab & Haryana High Court has granted the stay to proceed further. As applicant has filed the petition/reference under Section 30 for appropriation which was already dismissed. So, in that circumstances, the present applicant is not maintainable as in the execution proceeding no person can move application to become the party under Order 1 Rule 10 of CPC. In the execution of Land Acquisition Cases, the applicant can file the reference under Section 30 which he has already filed and the same was dismissed. So, in that circumstances, the present application hereby dismissed which is without any merit. Adjourned to 20.08.2026 for consideration."

3. A perusal of record and arguments of learned counsel for the petitioner reveals that petitioner's petition under Section 30 of Land Acquisition Act, 1894 stands dismissed. He has filed appeal before this Court which is still pending, however, there is no stay in his favour.

4. After arguing for some time, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to avail remedy as permissible by law

5. Dismissed as withdrawn with aforesaid liberty.

(JAGMOHAN BANSAL)
JUDGE

09.09.2026
Mohit Kumar

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