

Date of Order	Appeal/Ceiling/2198/2002/Hanumangarh Son Kanwar Vs. State	
23.8.2018	<p style="text-align: center;"><u>S.B.</u></p> <p style="text-align: center;">Shri Rajinder Kumar, Member</p> <p style="text-align: center;">*****</p> <p>Present : Shri Yogendra Singh : counsel for the appellants. Shri Sunil Garg : Dy.Govt.Advocate for the State.</p> <p style="text-align: center;">---</p> <ol style="list-style-type: none"> 1. This appeal is directed against the judgment dated 30.3.2002 of the learned Additional District Collector, Hanumangarh in Ceiling Case No. 40/94. 2. I have heard learned counsels for the parties. 3. Though this appeal has been preferred on a number of grounds but learned counsel for the appellants has limited his argument to the fact that all the three respondents viz. Gulab Singh, Vijay Singh and Smt. Anjan Kanwar had since expired before the passing of the impugned judgment; thus, the same is a nullity. Learned counsel has made a request to remand the matter to the learned Addl. District Collector, Hanumangarh for passing the judgment afresh after bringing on record the LRs of the deceased respondents. 4. Learned Dy. Government Advocate Shri Sunil Garg has conceded the legal position that judgment cannot be passed against dead persons. 5. I have given my thoughtful consideration to the above submissions and perused the record carefully. 6. It is revealed from the record that Ceiling Case No. 40/94 was instituted in the court of Addl. District Collector, Hanumangarh against Gulab Singh, Vijay Singh and Smt. Anjan Kanwar. In the Death Certificates issued by the concerned Sarpanch, it has been mentioned that Smt. Anjan Kanwar and Vijay 	

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	<p>Singh had expired but the date of their death is not mentioned therein. However, in the death certificate of Gulab Singh, it is stated that he had expired on 13.9.2001. Learned counsel for the appellants submits at Bar that the other two respondents viz. Smt. Anjan Kanwar and Vijay Singh had also expired much prior to the passing of the impugned judgment. In view of above, the impugned judgment passed against dead persons cannot be sustained, as the same is a nullity. The appeal deserves to be accepted in part.</p> <p>7. Resultantly, the appeal is partly accepted and the impugned judgment is set aside. The matter is remanded to the court of Addl. District Collector, Hanumangarh for passing the judgment afresh after bringing on record the legal representatives of the deceased respondents and giving all the concerned parties a reasonable opportunity of being heard.</p> <p>Pronounced.</p> <p>File be consigned.</p> <p style="text-align: center;">(Rajinder Kumar) Member</p>	