

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

RFA No.2347 of 2013 (O&M)
Date of decision : 12.01.2015

Sharbati & ors.

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Kundu, Advocate for
Mr. Sansar Kundu, Advocate for the appellants.

Mr. Avinash Jain, AAG, Haryana.

AMIT RAWAL, J. (Oral)

CM No.4569-CI of 2013

For the reasons stated in the application, exemption is granted to file the certified copy of judgment dated 23.09.2009, subject to all just exceptions.

The application stands disposed of.

CM No.4570-CI of 2013

This is an application under Section 5 of Limitation Act for condonation of delay of 1085 days in filing the present appeal filed by learned counsel for the appellants, which is duly supported by affidavit and has stated that connected appeals filed by the land owners had been dismissed.

For the reasons stated in the application, the delay of 1085 days in filing the appeal is condoned.

It has been pointed out by the learned counsel appearing for the State that the identical matter had been dismissed by this Court vide order dated 05.12.2014 passed in RFA No.1040 of 2013 and in other connected matter. It has been further pointed out that the subject matter of the acquisition in the present case and in the cases which has already been decided are the same as the land measuring 17300 feet in length and width was sought to be acquired for the construction of ditch drain along Sunder Sub Branch both sides from R.D. 0-17300 (157700-175000) in Villages Kharbala, Sisar and Banda Heri, Tehsil Hansi, District Hisar. The LAC pronounced the Award on 15.02.2004 and the Reference Court decided the reference on 23.09.2009. In the instant case, the decision of Reference Court is same as has been noted in the order dated 05.12.2014.

In view of the fact that the matter is covered by the order dated 05.12.2014, present appeal is dismissed in terms of the order dated 05.12.2014 passed in RFA No.1040 of 2013 and in other connected matter.

12.01.2015

pawan

**(AMIT RAWAL)
JUDGE**