

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

RFA No.238 of 2014
Date of decision : 15.01.2015

Mahavir Parsad Jain and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjeev Kr. Panwar, Advocate
for the appellants.

Mr. Abhinash Jain, AAG, Haryana

Mr. Piyush Gaur, Advocate for
Mr. Raman Gaur, Advocate
for HUDA.

AMIT RAWAL, J. (Oral)

CM No.435-CI of 2014

This is an application under Section 5 of the Limitation Act
seeking condonation of delay of 1044 days in filing the appeal.

Notice of the application given to the State and respondents
accepts notice. It has been contended in the application that the
appellants have filed this appeal on 16.02.2009 within the period of
limitation but the same has been returned as it was filed without
attaching the short order. After obtaining the short order, the appeal has

been filed and in this process, the delay of 1044 days had occurred.

For the reasons stated in the application which is duly supported by an affidavit, delay of 1044 days in filing the appeal is condoned.

The application stands disposed of.

CM No.436-CI of 2014

For the reasons stated in the application which is duly supported by an affidavit, delay of 1134 days in re-filing the appeal is condoned.

The application stands disposed of.

Main Case

Mr. Sanjeev Kr. Panwar, Advocate for the appellants has brought to the notice of this Court that the present Regular First Appeal can be disposed of as the matter is covered in lieu of judgment dated 05.03.2014 passed in Regular First Appeal No.5083 of 2009, wherein the subject matter of the notification was identical to the one involved in the present case. He has handed over the copy of the order dated 05.03.2014 passed in the main Regular First Appeal vide which along with aforementioned appeals and various other appeals have been disposed of.

Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter to be referred as the 'Act') was published on 28.01.2002. The Land Acquisition Collector assessed the market value

of the land at the rate of ₹6,00,000/- per acre i.e. ₹124/- per square yard.

Being dissatisfied with the aforementioned amount of compensation, the land owners filed a reference under Section 18 of the Act and the Learned Additional District Judge vide judgment dated 30.07.2009 enhanced the amount of compensation to ₹1560/- per square meter. Against the aforementioned judgment and decree, the present appeal has been preferred by the land owners.

The present appeal is disposed of in terms of the order dated 05.03.2014 and the appellants are entitled to seek compensation at the rate of ₹1560 + ₹842.40 paisa = ₹2402.40 paisa.

Accordingly, these appeals are allowed.

The order dated 30.07.2009 passed by the Reference Court is modified to the extent that the appellants are also entitled to receive compensation at the rate of ₹2402.40 paisa per square meter.

Connected RFA Nos.474 to 476 of 2014 are also disposed of in the same terms.

15.01.2015

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**(AMIT RAWAL)
JUDGE**