

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

CM Nos.8702-05-CI of 2016 &
RFA No.1413 of 1993 (O&M)
Date of decision: 09.08.2016

Chain Singh and others

... Appellants

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RS Manhas, Advocate for the appellants.
Ms. Ranjana Shahi, Senior Panel Counsel
for Union of India.

ARUN PALLI J. (Oral)

CM-8702-CI-2016

Allowed, as prayed for.

CM-8703-CI-2016

This is an application for condonation of delay of 1218 days in filing the application for restoration of the appeal that was dismissed for non-prosecution on 21.02.2013.

Notice in the application.

Ms. Ranjana Shahi, Senior Panel Counsel for UOI, present in court, accepts notice on behalf of the respondents.

For the reasons set out in the application, which is duly supported by an affidavit, and particularly as the prayer for condonation of delay is not opposed by learned counsel for the respondents, the same is allowed. Consequently, the delay of 1218 days in filing the application for restoration of the appeal is condoned.

CM-8704-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the order dated 21.02.2013, is recalled. The appeal is restored to its original number.

CM-8705-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the LRs of late Gian Singh (appellant No.2), who is stated to have passed away on 01.01.2011, are brought on record for the purpose of pursuing the present appeal only. However, it is clarified that if any, dispute qua Will, dated 11.08.1987, is pending before any court, this order shall have no bearing upon those proceedings.

CM stands disposed.

RFA-1413-1993

Larned counsel for the parties are ad idem that the matter in issue is squarely covered by the judgment, dated 27.05.2015, rendered by this court in RFA No.3483 of 1992 - Union of India and others v. Raghbir Singh and others, vide which the appeals preferred by the Union of India were dismissed, whereas the appeals preferred by the landowners were accepted, and the compensation awarded to the landowners was enhanced to ₹ 1,000/- per marla. It is submitted that even the present appeal is required to be disposed of in terms of the said decision.

Accordingly, the present appeal is disposed of in terms of the decision rendered by this court in Raghbir Singh's case (supra).

August 9, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:

YES/NO

Whether Reportable:

YES/NO