

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

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CM No.9981-CI of 2016

in/and

RFA No.2473 of 2015

Date of Decision:07.09.2016

Sarla Devi

....appellant

Versus

State of Haryana

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Rajiv Sharma, Advocate
for the appellant

Mr.Shivendra Swaroop, AAG Haryana

ARUN PALLI, J. (ORAL):

CM No.9981-CI of 2016

For the reasons set out in the application, the same is allowed.
Consequently, the appeal is taken on Board.

RFA No.2473 of 2015

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgement dated 10.12.2015, rendered by this Court in **RFA No.2392 of 1997**, titled "Mukhtiar Singh and others versus State of Haryana", vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners. Accordingly, it is submitted that the appeal be disposed of in terms of the said decision.

The factual position as set out above, is not disputed by the learned State counsel. However, he has drawn the attention of the Court to the order dated July 20, 2015, vide which while condoning the delay of 2242 days in filing the appeal, right of the State to contest the claim of the appellant for interest on enhancement, if awarded by this Court, for the period of delay, was kept reserved by this Court. Learned State counsel submits that all what the appellant has pleaded is; that she was not aware of her rights to file the appeal for further enhancement in the compensation.

And, was rather advised that if the other landowners are awarded any

enhancement, she too would be entitled therefor. He submits that institution of the appeal, after over 6 years, is apparently an after thought. And, the explanation rendered by the appellant to justify the delay lacks bonafides and is explicitly false.

As opposed to this, learned counsel for the appellant is unable to show or justify as to how the appellant shall also be entitled to interest, for the period of delay of 2242 days in filing the appeal, on the enhanced compensation.

I have heard learned counsel for the parties and perused the record.

For, the delay in filing the appeal was condoned, the appellant shall be entitled to the enhanced compensation as awarded to the other landowners, by this Court in the case of Mukhtiar Singh (Supra). But, for the appeal was filed after a gross, inordinate and unexplained delay of 2242 days i.e. over 6 years, and the explanation rendered in this regard lacks bonafides or hardly constitute a sufficient cause, the claim of the appellant for interest on the enhanced compensation even for the period of delay in filing the appeal cannot be countenanced.

Consequently, the appeal is disposed of in terms of the decision dated 10.12.2015, rendered by this Court in the case of Mukhtiar Singh (supra). However, to balance the equities, the appellant shall not be entitled to any interest on the enhanced compensation for the period of delay that has occurred in filing the appeal i.e. 2242 days.

07.09.2016

neenu

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No