

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

265

Regular First Appeal No.2237 of 2016 (O&M)
Date of Decision: November 18, 2016

Mahender

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Adish Gupta, Advocate
for the appellant.

Mr. Rajesh K. Sheoran, Additional Advocate General, Haryana,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.6665-CI of 2016

Prayer in this application is for condonation of delay of 922 days in filing the appeal.

It has been submitted by learned counsel for the applicant-appellant that after obtaining the certified copy of the award, the applicant-appellant was not aware that the order can be challenged or not. He came to know in the first week of February when he met his counsel in trial Court, who advised the applicant-appellant to file an appeal.

Counsel for the respondents has opposed the prayer made in the present application and has further asserted that the applicant-appellant would not be entitled to the benefit of the delay and, therefore, should not be granted the interest for the said period i.e. the delay of 922 days in filing the appeal.

The contention of learned counsel for the respondent to the extent that the applicant would not be entitled to the benefit of the period of delay in filing the appeal for the grant of interest is accepted, however, the

delay in filing the appeal stands condoned.

The application stands disposed of.

CM No.6664-CI of 2016

Prayer in this application is for deciding the appeal in terms of the main judgment dated 16.09.2015 passed by this Court in *RFA No.7108 of 2012* titled as *Rampal and others Versus Land Acquisition Collector and another* by which the bunch of connected appeals was decided by this Court, which pertains to the acquisition which is a subject matter of the present appeal as well.

Notice of this application was issued to the counsel for the respondent, who has very fairly stated that it pertains to the same acquisition and, therefore, would be covered by the said judgment passed by this Court in *RFA No.7108 of 2012* titled as *Rampal and others Versus Land Acquisition Collector and another*.

RFA No.2237 of 2016

In view of the above, the present appeal is allowed.

Appellant, however, shall not be entitled to the interest for a period of 922 days which was the delay in filing the present appeal. The other benefits would be accruing to the appellant as per the judgment passed by this Court in *RFA No.7108 of 2012* titled as *Rampal and others Versus Land Acquisition Collector and another*.

November 18, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No