

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

RFA No. 2277 of 2016 (O&M)

Date of decision: 21.07.2016

Surender Kumar Aggarwal

...Appellant

Vs.

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. Vishal Garg, Advocate
for the applicant-appellant.

Mr. Ashish Rawal, Advocate
for U.T., Chandigarh.

ARUN PALLI, J. (Oral)

CM-6820-CI-2016

Office report indicates that notice could not be issued to the respondent, for counsel for the appellant did not furnish the process fee.

However, on the asking of the Court Mr. Ashish Rawal, Advocate, present in Court, accepts notice on behalf of the respondent.

This is an application for condonation of delay of 877 days in filing the accompanying appeal. All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 22.09.2015, rendered by this court in RFA No. 2870 of 2009 – Gurdev Singh and others vs. Union Territory, Chandigarh, vide which this court had

enhanced the compensation awarded to the landowners.

Learned counsel for the respondent does not dispute the factual position set out above.

Thus, in the wake of the decision of the Hon'ble Supreme Court in Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 877 days in filing the accompanying appeal is condoned. However, for the period of delay the applicant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-6821-CI-2016

For the reasons set out in the application, the same is allowed. Accordingly, the main appeal is taken on board.

CM stands disposed of.

RFA No. 2277 of 2016 (O&M)

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this court in *Gurdev Singh's case (supra)*, the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest for the period of delay in filing the appeal i.e. 877 days.

July 21, 2016

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**(ARUN PALLI)
JUDGE**