

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

RFA No.3113 of 2016(O&M)

Date of decision: 27.07.2016

Raj Kumar (deceased) through his LRs and another

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Himanshu Puri, Advocate for the appellants.
Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI J. (Oral)

CM-8540-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the applicants are permitted to make good the deficiency in court fee.

CM-8542-CI-2016

Allowed, as prayed for.

CM-8544-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, the LRs of late Raj Kumar (appellant No.1), who is stated to have passed away on 08.10.2015, are brought on record for the purpose of pursuing the present appeal only.

CM-8543-CI-2016

This is an application for condonation of delay of 663 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated

27.05.2016, rendered by this court in RFA No.5316 of 2014 - Pushpender Kumar and others v. State of Haryana and another.

Notice in the application.

On the asking of the court, Ms. Safia Gupta, AAG, Haryana, present in court, accepts notice on behalf of the State.

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

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 663 days in filing the accompanying appeal is condoned. However, for the period of delay the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-8541-CI-2016; and
RFA-3113-2016

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 Pushpender Kumar's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 663 days.

July 27, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO