

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

RFA No.3189 of 2016(O&M)

Date of decision: 02.08.2016

Shmla deceased through LRs and others

... Appellants

Versus

Punjab State

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RS Manhas, Advocate for the appellants.
Mr. Amit Chaudhary, Addl. AG, Punjab.

ARUN PALLI J. (Oral)

CM-8710-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 240 days in re-filing the accompanying appeal is condoned.

CM-8713-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 legal representative of late Kirpa Ram (appellant No.2), who is stated to have passed away on 06.11.2009, is brought on record for the purpose of pursuing the present appeal only.

CM-8712-CI-2016

This is an application for condonation of delay of 4140 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 07.12.2015, rendered by this court in RFA No.7055 of 2015 - Faja Singh (since deceased) through LRs v. Punjab State and others.

Notice in the application.

On the asking of the court, Mr. Amit Chaudhary, Addl. AG, Punjab, 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 4140 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-8711-CI-2016; and
RFA-3189-2016

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 Faja Singh'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. 4140 days.

August 2, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO