

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

RFA No.3341 of 2016(O&M)
Date of decision:16.08.2016

Jai Narina (deceased) through his LR's and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sudhir Hooda, Advocate for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

ARUN PALLI J. (Oral)

Application for disposal

This is an application to dispose of the appeal in terms of the order/judgment dated 28.01.2016, rendered by this court in RFA No.1838 of 2011 & other connected matters – State of Haryana and others v. Ramphal.

Notice.

On the asking of the court, Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the respondents.

Heard.

CM is allowed and the main case is taken on board.

Exemption

Allowed, as prayed for.

LRs application

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, leave is granted to the LR's of late Jai Narain s/o Dariyav Singh and Amrit s/o Rameshwar, who are stated to have passed away during the pendency of the reference on 06.02.2009 & 07.09.2010, to institute and

maintain the present appeal.

Delay in filing

This is an application for condonation of delay of 2052 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 referred to above, vide which this court in the appeals arising out the same acquisition had awarded enhancement to the landowners.

The factual position, as set out above, is not disputed by learned State counsel.

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 2052 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.

Main appeal

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 Ramphal's case (supra), the appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 2052 days.

August 16, 2016
Rajan/sonia arora

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO