

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RFA No.3384 of 2016 (O&M)

Date of Decision: 19.08.2016

Charan Singh (deceased) through his LRs and others ..Appellants

versus

State of Haryana through Land Acquisition Collector, Panchkula and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Shoaib Khan, Advocate, for the appellants.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

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ARUN PALLI, J. (ORAL)

CM No.9342-C1 of 2016

This is an application to dispose of the appeal in terms of the judgment dated 08.04.2016, rendered by this court, in RFA No.1956 of 2010 (State of Haryana through Land Acquisition Collector, Urban Estate, Panchkula and another versus Hans Raj and others), vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the land-owners.

Notice in the application.

On the asking of the court, Ms. Safia Gupta, Assistant Advocate General, Haryana, accepts notice on behalf of the respondents.

The factual position, as set out above, is not disputed by the learned State counsel. Consequently, the application is allowed and the appeal is taken on Board for hearing.

CM No.9343-CI of 2016

This is an application for condonation of delay of 2025 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment dated 08.04.2016, rendered by this court, in **RFA No.1956 of 2010**, in **Hans Raj's case** (supra).

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 2025 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 No.9344-CI of 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 heirs of Charan Singh son of Masiba Ram @ Nasiba, who is stated to have passed away on 05.01.2013, as depicted in paragraph 1 of the application, are brought on record, for the purpose of pursuing the present appeal only. However, it is clarified that this order shall have no bearing if any dispute, qua alleged will dated 01.02.2012, referred to in paragraph 2 of the application, is pending before any court.

CM Nos.9345-CI of 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, leave is granted to the legal heirs of late Dayal Singh son of Masiba Ram @ Nasiba Ram, who is stated to have passed away during the pendency of the reference on 05.02.2010, to institute and maintain the present appeal. However, it is clarified that this order shall have no bearing if any dispute, qua alleged will dated 03.02.2010, referred to in paragraph 2 of the application, is pending before any court.

RFA No.3384 of 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 **Hans Raj'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. 2025 days.

19.08.2016
VK

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No