

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

**CM No.9360-CI of 2016 in/and
RFA No.3385 of 2016 (O&M)
Date of Decision : 22.08.2016.**

Rattan Singh (deceased) through LRs

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Lokesh Vohra, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.9360-CI of 2016

This is an application for condonation of delay of 77 days in filing the accompanying appeal.

Notice in the application.

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

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

For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 77 days in filing the accompanying appeal is condoned.

CM No.9359-CI of 2016

Allowed as prayed for.

CM No.9361-CI of 2016

This is an application to dispose of the appeal in terms of the judgment dated 20.05.2016, rendered by this Court, in **RFA No.4475 of 2012 (Ram Chander and others Vs. State of Haryana)**, for the matter is squarely covered by the said decision.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the respondents No.1 to 3 and Mr. Pritam Saini, Advocate on behalf of respondent No.4.

The factual position as set out above, is not disputed by the learned counsel for the respondents. However, it is pointed out that dispute qua apportionment of compensation shall still have to be gone into. To this, learned counsel for the appellants submits that they are ready to give up their claims in this regard.

Accordingly, the application is allowed and the appeal is taken on board.

RFA No.3385 of 2016

Learned counsel for the appellants submits that the matter in issue is squarely covered by the judgment dated 20.05.2016, rendered by this Court, in **RFA No.4475 of 2012**, in the case of Ram Chander and others (supra) vide which, this Court had enhanced the compensation awarded to the landowners. Further, as regards the dispute qua apportionment of compensation, under Section 30 of the Land Acquisition Act, he submits that the reference Court had awarded 70% of compensation to the

appellants, whereas balance 30% was awarded to the Municipal Corporation, Gurgaon (respondent No.4). But, as the appellants do not wish to press their claims as regards 30% of the compensation that has been awarded to respondent No.4, the appeal, to that extent, be deemed to have been withdrawn. And, he submits that respondent No.4 shall be free to pursue its interest as regards 70% of the compensation that has been awarded to the appellants, in a separate appeal, that purports to have been preferred by respondent No.4, and is pending. But, as regards enhancement, he submits that let the appeal be disposed of in terms of the decision rendered by this Court in the case of Ram Chander and others (supra).

Learned counsel for the respondents plead no objection to the prayer of the appellants being granted.

Accordingly, this appeal is disposed of in terms of the judgment dated 20.05.2016, rendered by this Court in RFA No.4475 of 2012, in the case of Ram Chander and others (supra). However, it is clarified that although, appellants have given up their claims as regards 30% of the compensation that has been apportioned and awarded to respondent No.4, but this shall not cause any impediment for respondent No.4, to pursue its appeal in all respects.

22.08.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No