

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

**CM No.9426-CI of 2016 in/and
RFA No.3397 of 2016 (O&M)
Date of Decision : 22.08.2016.**

Radhe Sham

.....Appellant

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. P.C. Yadav, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM No.9422-CI of 2016

This is an application for condonation of delay of 35 days in re-filing the accompanying appeal. For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 35 days that has occurred in re-filing the accompanying appeal is condoned.

CM No.9423-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 delay in making good deficiency in Court fee is condoned.

CM No.9425-CI of 2016

Allowed as prayed for.

CM No.9426-CI of 2016

This is an application for condonation of delay of 1916 days in filing the accompanying appeal. All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 23.01.2012, rendered by this court in RFA No.2218 of 2007 (Smt. Maya and others Vs. State of Haryana and others), vide which this court had assessed the compensation at ₹280/- per square yard.

Notice in the application.

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

Factual position as set out above, is not disputed by the learned State counsel.

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 1916 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.

CM No.9424-CI of 2016 in/and RFA-3397-2016 (O&M)

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 *Smt. Maya and other's case* (supra), the present appeal is disposed of in

terms of the said decision. However, the appellant shall not be entitled to interest for the period of delay in filing the appeal i.e. 1916 days.

22.08.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

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