

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

RFA No.3424 of 2016(O&M)
Date of decision: 06.12.2016

Om Parkash and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Aditya Singh Yadav, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-9461-CI-2016

This is an application for condonation of delay of 656 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 19.02.2016, rendered by this court in RFA No.48 of 2012 [**Harphool v. State of Haryana and others**].

Notice.

Mr. Abhinash Jain, AAG, Haryana, present in court, accepts notice on behalf of respondents.

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

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

In the wake of the decisions 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 656 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing

the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

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Allowed, as prayed for.

CM-9463-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 LRs of late Yadram son of Kehar Singh (appellant No.2), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only. However, it is made clear that this order shall have no bearing upon any proceedings or dispute pending in any court qua the Will, dated 05.07.1999.

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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 Harphool's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 656 days.

December 6, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO