

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

**CM No.9737-CI of 2016 in/and
RFA No.3545 of 2016 (O&M)
Date of Decision : 31.08.2016.**

Bant Singh (deceased) through LRs and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

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

ARUN PALLI, J. (Oral)
CM No.9736-CI of 2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the appeal is taken on Board.

CM No.9738-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. Accordingly, legal representative of late Bant Singh as depicted in paragraph 1 of the application are brought on record for the purpose of pursuing the present appeal only.

CM No.9739-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 representatives of late Gian @ Gian Singh, who is stated to have passed away on 7.2.2000, during the pendency of the reference, to institute and maintain the present appeal.

CM No.9740-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 representatives of late Gajja Singh @ Garja Singh, who is stated to have passed away on 03.09.2002, during the pendency of the reference, to institute and maintain the present appeal.

CM No.9741-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 representatives of late Karnail Singh, who is stated to have passed away on 22.07.2008, during the pendency of the reference, to institute and maintain the present appeal.

CM No.9742-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 representatives of late Jarnail Singh @ Narmail Singh, who is stated to have passed away on 26.11.1999, during the pendency of the reference, to institute and maintain the present appeal.

CM No.9737-CI of 2016

This is an application for condonation of delay of 2104 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 (State of Haryana through Land Acquisition Collector, Urban Estate, Panchkula and another Vs. Hans Raj and others), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the respondents No.1 to 3.

The factual position, as set out above, is not disputed by the 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 2104 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.

RFA No.3545 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. 2104 days.

31.08.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No