

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

108/4

**RFA No.3551 of 2016(O & M)
Date of Decision:01.09.2016**

Des Raj and others

....appellants

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Ajay Chaudhary, Advocate
for the appellants.

ARUN PALLI, J. (ORAL):

CM No.9761-CI of 2016

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed and the appeal is taken on Board for hearing.

CM No.9762-CI of 2016

This is an application for condonation of delay of 1140 days in filing the appeal. All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 06.05.2016, rendered by this Court in **RFA No.2999 of 2013**, titled “Wirsa Singh vs. State of Punjab and others”.

Notice in the application.

On the asking of the Court, Mr.K.K.Gupta, Addl. AG Punjab,present in the Court, accepts notice on behalf of the respondents.

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

In the wake of the decision of the Hon’ble Supreme Court in

RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 1140 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.9763-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 LRs of Hans Raj, who is stated to have passed away on 26.12.2013, to institute and maintain the present appeal.

RFA No.3551 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 Wirsing Singh'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. 1140 days.

01.09.2016
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(ARUN PALLI)
JUDGE

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