

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

**CM No.9847-CI of 2016 in/and
RFA No.3574 of 2016 (O&M)
Date of Decision : 14.09.2016.**

Phool Singh and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms.Anita Balyan, Advocate for the appellants.

Ms. Safia Gupta, AAG, Haryana for respondents No.1 and 3.

Mr. Pritam Saini, Advocate for respondent No.4.

ARUN PALLI, J. (Oral)

CM No.9847-CI of 2016

On the previous date of hearing notice was issued to respondent No.2 i.e. National Express Highway Authority New Delhi for today, in the application moved by the applicant-appellants for condonation of delay of 727 days in filing the accompanying appeal. Office report indicates that notice issued to the said respondent has not been received back served or otherwise. However, learned counsel for the applicants submits that she has examined the matter as regards the interest of respondent No.2, since it has no right title or interest in the lis, its service be dispensed with.

Ordered accordingly.

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 12.02.2016, rendered by this court in RFA No.564 of 2014 (Mahavir and others Vs. State of Haryana and another) and other connected matters, vide which, in the appeals arising out of the same acquisition, this court had

enhanced the compensation, uniformly to ₹42,62,625/- per acre.

The factual position, as set out above, is not disputed by the learned counsel for respondent No.1, 3 and 4.

Despite opportunity no reply to the application for condonation of delay has been filed either.

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 727 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-9846-CI-2016 in/and RFA No.3574 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 *Mahavir'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. 727 days.

14.09.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No