

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RFA No.3575 of 2016 (O&M)

Date of Decision: 02.09.2016

Dayanand (deceased) represented by his LRs and others

..Appellants

versus

State of Haryana through Collector, District Jhajjar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana
for respondent nos 1 and 2.

Mr. Rajesh Goyal, Advocate, for Mr. Pritam Saini, Advocate,
for respondent no.3.

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ARUN PALLI, J. (ORAL)

CM No.9851-C1 of 2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the applicants are permitted to make good the deficiency in court fee.

CM No.9850-C1 of 2016

Allowed as prayed for.

CM No.9849-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.9848-CI of 2016

This is an application for condonation of delay of 1038 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 12.02.2016, rendered by this court, in RFA No.564 of 2014 (Mahabir and others versus State of Haryana and others), vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the land-owners.

Notice in the application

On the asking of the court, Mr. Shivendra Swaroop, Assistant Advocate General, Haryana, and Mr. Rajesh Goyal, Advocate for Mr. Pritam Saini, Advocate, accept notice on behalf of respondent nos.1 and 2 and 3, respectively.

The factual position, as set out above, is not disputed by the learned counsel for the parties.

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 1038 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.9852-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 legal heirs of late Dayanand son of Shri Jai Narain (appellant no.1), who is stated to have passed away on 14.10.2008, as depicted in paragraph 2 of the application, are brought on record, for the purpose of pursuing the present appeal only.

CM No.9853-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 legal heirs of late Tare son of Shri Mule (deceased) (appellant no.3), who is stated to have passed away on 17.2.2011, as depicted in paragraph 2 of the application, are brought on record, for the purpose of pursuing the present appeal only.

RFA No.3575 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 **Mahabir'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. 1038 days.

02.09.2016
VK

(ARUN PALLI)
JUDGE

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