

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RFA No.3618 of 2016 (O&M)

Date of Decision: 06.09.2016

Balwant Singh (deceased) through his LRs and another ..Appellants

versus

Union of India and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

**Present:** Mr. R.S.Manhas, Advocate, for the appellants.

Mr. K.K.Gupta, Additional Advocate General, Punjab  
for respondent no.2.

Mr. R.S.Malik, Senior Standing Counsel,  
Union of India, for respondent nos. 1 and 3.

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**ARUN PALLI, J. (ORAL)**

**CM No.10035-C1 of 2016**

Allowed, as prayed for.

**CM No. 10036-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.10037-CI of 2016**

This is an application for condonation of delay of 3091 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 17.02.2016, rendered by this court, in **RFA No.2902 of 1999 and connected matters (Union of India and another versus Major**

**Pritam Singh and another)** vide which in the appeals arising out of the

same acquisition, this court had enhanced the compensation unilaterally to Rs.2300/-per Marla.

Notice in the application

On the asking of the court, Mr. K.K.Gupta, Additional Advocate General Punjab, and Mr. R.S.Malik, Senior Standing Counsel, Union of India, accept notice on behalf of respondent no.2 and 1 and 3, respectively.

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

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 3091 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM Nos. 10038-CI and 10039-CI of 2016

For the reasons set out in the applications, which are duly supported by affidavits, the same are allowed, subject to all just exceptions. Consequently, the legal heirs of late Balwant Singh (appellant no.1) and late Smt. Kaushalaya Devi (appellant no.2) who are stated to have passed away, post decision of the reference court, as depicted in paragraph 2 of the applications, are brought on record, for the purpose of pursuing the present

appeal only.

RFA No.3618 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 Major Pritam Singh's case (supra), the present appeal is disposed of in terms of the said decision. However, to balance the equities, the appellants shall not be entitled to interest for the period of delay in filing the appeal, i.e. 3091 days.

06.09.2016  
VK

( ARUN PALLI)  
JUDGE

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