

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.10123-CI of 2016 in/and
RFA No.3642 of 2016 (O&M)
Date of Decision : 01.12.2016.

Har Sarup and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Rajender Kumar, Advocate for
Mr. M.S.Tewatia, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.10123-CI of 2016

This is an application for condonation of delay of 2060 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 28.03.2016, rendered by this court in RFA No.2322 of 2011 (Usha Rani and others Vs. State of Haryana and others), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation to ₹48,57,000/- per acre.

Notice in the application.

Ms. Safia Gupta, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Pritam Saini, Advocate for respondent No.3

The factual position, as set out above, is not disputed by 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. LR. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 2060 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM No.10124-CI of 2016

Allowed as prayed for.

CM No.10125-CI-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 representatives of late Har Parsad, who is stated to have died on 03.04.2013, as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only.

RFA No.3642 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 Usha Rani's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2060 days.

01.12.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No