

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

RFA No.3806 of 2016 (O&M)

Date of Decision : 15.09.2016.

Dhanpal (deceased) through LRs and othersAppellants

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr. Ashok Kumar Sehrawat, Advocate for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

ARUN PALLI, J. (Oral)

CM-10521-CI-2016

This is an application for condonation of delay of 1762 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 28.01.2016, rendered by this court in RFA No.1838 of 2011 – State of Haryana and others v. Ramphal, vide which this court had enhanced the compensation awarded to the landowners.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the respondents.

Heard.

The factual position, as set out above, is not disputed by learned State counsel.

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 1762 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-10522-CI-2016

For the reasons set out in the application, the delay of 45 days in re-filing the accompanying appeal is condoned.

CM stands disposed of.

CM-10523-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. Consequently, leave is granted to the legal representatives of late Dhanpal, Smt.Sarjo, Sajjan, Rugh Nath and Hawa Singh (appellant No.1,8,11,17 and 19), as depicted in para 2 of the application, to institute and maintain the present appeal.

RFA-3806-2016

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 Ramphal's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 1762 days.

September 15, 2016

dharamvir

**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No