

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

RFA No.3839 of 2016(O&M)
Date of decision: 19.09.2016

Sunil Kumar (deceased) through LRs

... Appellants

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashish Gupta, Advocate for the appellants.
Mr. Shivendra Swaroop, AAG, Haryana.

ARUN PALLI J. (Oral)

CM-10633-CI-2016

This is an application for condonation of delay of 819 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 01.03.2016, rendered by this court in RFA No.6989 of 2014 - State of Haryana and another v. Sudarshan Kumar and others, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners uniformly to ₹ 73,91,062/- per acre.

Notice.

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

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

I have heard learned counsel for the parties and perused the record.

In the wake of the decisions 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 819 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-10634-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, the legal representatives of late Sunil Kumar, as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

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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 Sudarshan Kumar'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. 819 days.

September 19, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO