IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.3945 of 2016(O&M)
Date of decision: 22.09.2016

Sarbati (deceased) through LRs and others

… Appellants

Versus

State of Haryana and another

… Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Anita Balyan, Advocate for the appellants.
Mr. Shivendra Swaroop, AAG, Haryana.

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ARUN PALLI J. (Oral)

CM-10865-CI-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-10864-CI-2016

For the reasons set out in the application, the delay of 20 days in re-filing the accompanying appeal is condoned.

CM stands disposed of.

CM-10866-CI-2016

Allowed, as prayed for.

CM-10867-CI-2016

This is an application for condonation of delay of 1778 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 31.08.2015, rendered by this court in RFA No.1626 of 2011 [**Puran Chand Wadhwa (deceased) through LRs v. Land Acquisition Collector and**

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another], vide which this court had enhanced the compensation awarded to the landowners.

Notice.

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

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

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 1778 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-10868-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 LRs of late Smt. Sarabati (appellant No.1), who is stated to have passed away on 11.09.2006, are brought on record for the purpose of pursing the present appeal only.

RFA-3945-2016

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 Puran Chand Wadhwa'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. 1778 days.

(Arun Palli)
Judge

September 22, 2016
Rajan

Whether speaking / reasoned: YES/NO
Whether Reportable: YES/NO

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