

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.401 of 2016 (O&M)
Date of Decision : 22.07.2016.

Birkhe (deceased) through LRs and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. S.P.Chahar, Advocate for the appellants.

Ms. Safia Gupta, AAG, Haryana for the respondents.

ARUN PALLI, J. (Oral)

CM No.1028-CI of 2016

This is an application for condonation of delay of 202 days in re-filing the accompanying appeal. For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 202 days that has occurred in re-filing the accompanying appeal is condoned.

CM No.1029-CI of 2016

Allowed as prayed for.

CM No.1030-CI of 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 Birkhe, who is stated to have passed away on 18.05.2012, during the pendency of the reference, to institute and maintain the present appeal.

Main Case

Learned counsel for the appellants submits that the matter in issue is squarely covered by an order/judgment, dated 27.11.2015, rendered by this Court in **RFA No.3267 of 2015 (Ram Kanwar Vs. State of Haryana and others)**, vide which, although, the compensation awarded by the Reference Court was maintained but the landowners were held entitled to the statutory benefit under Section 23(1A) of the Act. Thus, he submits that the present appeal be disposed of in the same terms.

Notice of motion.

On the asking of the Court, Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of the respondents.

Learned State counsel does not dispute the factual position as set out above.

For, concededly, the matter in issue is squarely covered by an order/judgment dated 27.11.2015, in the case of **Ram Kanwar (supra)**, rendered by this Court in RFA No.3267 of 2015, the present appeal is also disposed of in terms thereof.

22.07.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE