

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

**101**

**RFA No.4256 of 2016 (O&M)  
Date of Decision: 05.12.2016**

**Bir Singh (deceased) th.LRs and others**

**..appellants**

**versus**

**The 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

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**ARUN PALLI, J. (ORAL)**

**CM No.12006 and 12008-CI of 2016**

Applications are allowed as prayed for.

**CM No.12005-CI of 2016**

This is an application for condonation of delay of 1785 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  
28.03.2016, rendered by this court in RFA No.2322 of 2011 - *Usha Rani  
and others v. State of Haryana and others*, vide which in the appeals arising  
out of the same acquisition, this court had enhanced the compensation  
awarded to the landowners to ₹48,57,000/- per acre.

Notice.

On the asking of the Court, Mr. Abhinash Jain, AAG, Haryana  
accepts notice on behalf of respondents No.1 & 2 and Mr.Rajesh Saini,  
Advocate for Mr. Pritam S. Saini, Advocate, accepts notice on behalf of  
respondents No.3 and 4.

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 record.

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 1785 days in filing the accompanying appeal is condoned. However, to the balance the equities, for the period of delay the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

**CM No.12007-CI of 2016**

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed, subject to all just exceptions. Consequently, legal representatives of deceased Bir Singh-appellant No.1, as depicted in para No.2 of the application, are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

**RFA No.4256 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 the same terms. However, the appellants shall not be entitled to interest on the

enhanced compensation for the period of delay in filing the appeal i.e. 1785 days.

05.12.2016

(ARUN PALLI)  
JUDGE

neenu

Whether reportable-

Yes/No

Whether speaking/reasoned

Yes/No.