

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

RFA No. 4604 of 2016 (O&M)

Date of Decision : 02.12.2016.

Phool Chand @ Mool Chand (deceased) through LRsAppellants

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr. Gulshan Nandwani, Advocate for the appellants.
Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI J. (Oral)

CM-12816-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-12813-CI-2016

This is an application for condonation of delay of 2023 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 29.01.2016, rendered by this court in RFA No.3341 of 2011 [**Lala Ram v. State of Haryana and others**] and other connected cases, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners to Rs.4044/- per sq. yard.

Notice.

Ms. Safia Gupta, 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 2023 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-12814-CI-2016

Allowed as prayed for.

CM No. 12815-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 Phool Chand @ Mool Chand- appellant, who is stated to have died on 11.03.2007, are granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

RFA-4604-2016

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 Lala Ram'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. 2023 days.

December 02, 2016

dharamvir

**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No