

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

RFA No.4631 of 2016 (O&M)
Date of Decision: 06.12.2016

Chuni Lal (deceased) th.LRs and others

..Appellants

versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. R.S.Manhas, Advocate, for the appellants.

ARUN PALLI, J. (ORAL)

CM No.12953-C1 of 2016

Allowed, as prayed for.

CM No. 12954-CI of 2016

This is an application for condonation of delay of 2899 days in filing the accompanying appeal.

All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment dated 17.02.2016, rendered by this court, in **RFA No.2902 of 1999 and connected matters (Union of India and another versus Major Pritam Singh and another)** vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation uniformly to ₹ 2300/- per Marla.

Notice.

On the asking of the court, Mr. R.S.Malik, Senior Standing Counsel, Union of India, accepts notice on behalf of respondent Nos.1 and 2 and Ms.Safia Gupta, AAG Haryana, accepts notice on behalf of respondent No.3.

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 records.

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 2899 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM Nos. 12955-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 Chuni Lal-appellant No.1, who is stated to have died on 29.11.2002, during the pendency of the Reference, are granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

RFA No.4631 of 2016

For, learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this court in Major Pritam Singh's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal, i.e.2899 days.

06.12.2016

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No