

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

106/2

RFA No.4635 of 2016(O&M)

Date of Decision:07.12.2016

Mithia Ram (deceased) through LR's and others

....appellants

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.R.K.Bamal, Advocate
for the appellants.

ARUN PALLI, J. (ORAL):

CM No.12966-CI of 2016

This is an application for condonation of delay of 1739 days in filing the appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 23.04.2016, rendered by this Court in **RFA No.2176 of 2012**, titled "Rajinder versus State of Haryana", vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners. It is submitted that although the land that was the subject matter of consideration in the case of Rajinder (supra), formed part of the revenue estate of villages Ghaso Kalan and Dumerkhan Kalan, District Jind, whereas in the present case, the acquired land was situated within the revenue estate of village Ghaso Khurd, District Jind. But, that, he submits, would hardly make any difference, for, the land in all the three villages was acquired pursuant to the same notification, and for a common purpose i.e. construction of Barsola Feeder.

Notice.

On the asking of the Court, Mr.Shivendra Swaroop, AAG Haryana, present in the Court, accepts notice on behalf the respondent-State. For, respondent No.2 is merely proforma party, his service is dispensed with.

The factual position as set out above, is not disputed by the

learned State counsel.

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 1739 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 interest on the enhanced compensation.

CM stands disposed of.

CM No.12967-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, legal representatives of late Mithia Ram and Ramesh as depicted in Para Nos. 2 and 3 are brought on record for the purpose of pursuing the present appeal only.

CM stands disposed of.

CM No.12965-CI of 2016 and RFA No.4635 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 *Rajinder'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.1739 days.

07.12.2016

neenu/sonia arora

(ARUN PALLI)
JUDGE

Whether speaking/reasoned -
Whether reportable-

Yes/No
Yes/No