

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

102/2

**RFA No.4722 of 2016 (O&M)
Date of Decision : 14.12.2016.**

Sabha Chand deceased through LRs and another.

.....Appellants

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr.S.P.Khatri, Advocate
for the appellant(s).

ARUN PALLI, J. (Oral)

CM No.13155-CI of 2016

Application is allowed as prayed for.

CM No.13153-CI of 2016

This is an application for condonation of delay of 890 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 18.02.2016, rendered by this court in **RFA No.6809 of 2014**, titled “Raghubir and others Vs. State of Haryana and another”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners to Rs.59,88,657/- per acre.

Notice.

On the asking of the Court, Mr. Shivendra Swaroop, AAG Haryana, present in the Court, accepts notice on behalf of respondents No.1 and 2 and Mr.Pritam Saini, Advocate, accepts notice on behalf of respondent No.3.

The factual position as set out above, is not disputed by the 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 890 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.13154-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 Sabha Chand-appellant, who is stated to have passed away on 19.10.2014, as depicted in para No.1 of the application, are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

CM No.13152-CI and RFA No.4722 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 Raghbir'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. 890 days.

(ARUN PALLI)
JUDGE

14.12.2016

neenu/raman

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No