

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

105

RFA No.4728 of 2016(O & M)

Date of Decision:14.12.2016

Bhule (deceased) th.LRs

....appellants

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Adarsh Jain, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM No.13177-CI of 2016

Application is allowed as prayed for.

CM No.13178-CI of 2016

This is an application for condonation of delay of 2490 days in re-filing the appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 2490 days in re-filing the appeal is condoned.

CM stands disposed of.

CM No.13179-CI of 2016

This is an application for condonation of delay of 4553 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 30.10.2008, rendered by this Court in **RFA No.653 of 1997**, titled “Jaggi vs. The State of Haryana and another”, and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had

enhanced the compensation awarded to the landowners to ₹ 200/- per square yard.

Notice.

On the asking of the Court, Mr.Shivendra Swaroop, AAG Haryana, present in the Court, accepts notice on behalf respondents No.1 and 2. For, respondent No.3 is alleged to be a 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 *Samiyathal and others versus Special Tehsildar and others, 2015(2) RCR (Civil) 441, 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 4553 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.

RFA No.4728 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 Jaggi'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.4553 days.

14.12.2016
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(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No.
Whether reportable-	Yes/No