

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

107

RFA No.4746 of 2016(O & M)

Date of Decision:15.12.2016

Ram Dhari and others

....appellants

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Navneet Singh, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM No.13219-20-CI of 2016

Applications are allowed as prayed for.

CM No.13218-CI of 2016

This is an application for condonation of delay of 5576 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 13.01.2016, rendered by this Court in **RFA No.3541 of 2001**, titled “Chhoto and others versus State of Haryana and others”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners to ₹ 97/- per square yard.

Notice to respondent No.1 only. For, respondent No.2 is alleged to be a proforma party, his service is dispensed with.

On the asking of the Court, Mr.Shivendra Swaroop, AAG Haryana, present in the Court, accepts notice on behalf of respondent No.1.

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 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 5576 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.13215-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 Bhagwani-appellant No.2, who is stated to have died on 25.04.2011, as depicted in para No.2 of the application are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

CM No.13216-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 Barfi Devi-appellant No.3, who is stated to have died on 14.05.2003, as depicted in para No.2 of the application are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

CM No.13217-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 Gugan-appellant No.4, who is stated to have died on 09.11.2000, during the pendency of the Reference, are granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

RFA No.4746 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 Chhoto's case (Supra), the present appeal is disposed of in terms of the said decision. However, the appellant/s shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.5576 days.

15.12.2016

neenu

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No