IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109 **RFA No.4755 of 2016(O&M)**
Date of decision: 15.12.2016

Dharmi (deceased) th.LRs and others … Appellants

Versus

State of Haryana and others … Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Rajender Kumar, Advocate for
Mr.M.S.Tewatia, Advocate
for the appellants

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ARUN PALLI J. (Oral)

CM-13256-57-CI-2016

Applications are allowed as prayed for.

CM-13255-CI-2016

This is an application for condonation of delay of 2177 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 28.03.2016, rendered by this court in RFA No.2322 of 2011 [**Usha Rani and others v. State of Haryana and others**] and other connected cases, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners to ₹ 48,57,000/- 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 & 2; and Mr. Pritam Singh Saini, Advocate, accepts notice on behalf of

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respondents No.3 & 4.

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 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 2177 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM No.13258-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 Dharmi-appellant No.1 and Amar Lal-appellant No.3, as depicted in para Nos.2 and 3 of the application are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

RFA-4755-2016

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 Usha Rani's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the

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enhanced compensation for the period of delay in filing the appeal i.e. 2177 days.

15.12.2016 **(ARUN PALLI)**
neenu **JUDGE**

Whether speaking/reasoned Yes/No.

Whether reportable- Yes/No

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