

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.13526-CI of 2016 in/and
RFA No.4848 of 2016 (O&M)
Date of Decision : 22.12.2016.

Smt. Biro (deceased) through LRs and others

.....Appellants

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. V.D.Sharma, Advocate for the appellants.

ARUN PALLI, J. (Oral)
CM No.13526-CI of 2016

This is an application for condonation of delay of 1723 days in filing the accompanying appeal.

All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 23.04.2016, rendered by this court in RFA No.2176 of 2012 (Rajinder Vs. State of Haryana), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners.

Notice of motion.

On the asking of the Court, Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of the respondent.

The factual position, as set out above, is not disputed by learned counsel for the respondent.

I have heard learned counsel for the parties and perused the records.

In the wake of the decisions 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 1723 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. 13525-CI of 2016 in/and RFA No.4848 of 2016

For, learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision of this Court in the case of Rajinder (supra), this appeal too is disposed of in terms of the said decision. For, learned counsel for the appellants submits that he had not raised any claim on account of severance charges, therefore, he shall not be entitled to the same in terms of the decision of this Court, dated 23.04.2016, referred to above.

22.12.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No