

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

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RFA No.4861 of 2016(O & M)

Date of Decision:23.12.2016

Sheesh Pal (deceased) th.LRs. and others

....appellants

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Amandeep Rana, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM No.13565-CI of 2016

Application is allowed as prayed for.

CM No.13564-CI of 2016

This is an application for condonation of delay of 33 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 33 days in re-filing the appeal is condoned.

CM stands disposed of.

CM No.13567-CI of 2016

This is an application for condonation of delay of 1409 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 05.02.2016, rendered by this Court in **RFA No.1853 of 2012**, titled “Attar Singh 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 ₹ 62,11,700/-

Notice.

On the asking of the Court, Mr.Abhinash Jain, AAG Haryana, present in the Court, accepts notice on behalf respondents No.1 and 2 and Mr.Rajesh Goyal, Advocate for Mr.Pritam Saini, Advocate, accepts notice on behalf of respondent No.3. For, respondent No.4 is alleged to be proforma party, his service is dispensed with.

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 1409 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.13566-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 Sheesh Pal-appellant No.1 ,

who is stated to have died on 19.01.2009, during the pendency of the Reference, are granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

RFA No.4861 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 Attar Singh'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.1409 days.

23.12.2016

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable-

Yes/No