

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

RFA No.7429 of 2015(O&M)
Date of decision: 26.08.2016

Karnail Singh (deceased) through LRs

... Appellant

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anish Garg, Advocate for the appellant.
Mr. KK Gupta, Addl. AG, Punjab,
for respondents No.1 & 2.
Mr. Atul Goyal, Advocate for
Mr. Arvind Mittal, Advocate for respondent No.3.

ARUN PALLI J. (Oral)

CM-15805-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 45 days in re-filing the appeal is condoned.

CM-15807-CI-2016

Allowed, as prayed for.

CM-15804-CI-2016

This is an application for condonation of delay of 927 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 02.03.2016, rendered by this court in RFA No.991 of 2013 - Tarlochan Singh and another v. State of Punjab and another, vide which in appeals arising out of the same acquisition, this court had enhanced the compensation to ₹ 1418/- per sq. yard.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of respondents No.1 & 2; and Mr. Atul Goyal, Advocate for Mr. Arvind Mittal, Advocate accepts notice on behalf of the newly added party-respondent No.3.

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

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 927 days in filing the accompanying appeal is condoned. However, for the period of delay the applicant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-15806-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, leave is granted to the LRs of late Karnail Singh, who is stated to have passed away during the pendency of the reference on 05.12.2009, to institute and maintain the present appeal.

RFA-7429-2015

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 Tarlochan Singh's case (supra), the present appeal is disposed of in the same terms. However, the appellant shall not be entitled to interest for the period of delay in filing the appeal i.e. 927 days.

August 26, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO