

\$~10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 431/2015

RAM KISHAN (DECEASED) THR LRS & ORS Appellant
Through: Mr. B.D. Sharma, Adv.

versus

UNION OF INDIA & ANR Respondent
Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advs. for R-1

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **19.01.2016**

CM No.25189/2015

By this application, the applicant seeks condonation of 1718 days delay in filing the accompanying appeal under Section 54 of the Land Acquisition Act.

It has been submitted that the appellant hails from far flung rural area and was neither aware of the filing of the reference petition nor had the knowledge of the orders as the predecessors-in-interest/grandfather of the appellant had filed the reference petition which led to passing of the impugned judgment.

It is further submitted that the appellant came to know about such judgments from some other claimants recently that compensation was enhanced by the Hon'ble Supreme Court of India with respect to the land acquired by the Government vide Award No.1/2007-2008 and that the land

of the appellant also formed part of the same award.

It was also learnt by the appellant that the predecessor-in-interest did not file any appeal against the impugned order in the High Court.

Learned counsel appearing for respondent No.1 sought time to reply to the application.

This Court is of the opinion that no reply in the aforesaid case is necessary. The Hon'ble Supreme Court of India has already enhanced the compensation in respect of the same acquisition proceedings in Civil Appeal Nos.10982-11033/2014 titled ***Charan Singh & Others vs. Union of India & Another*** decided on 11.12.2014.

The courts have been liberal in condoning the delay in filing the appeals under the Land Acquisition Act as there is a compulsory acquisition of the land whereas the appellants are, more often than not, agriculturists coming from rural background.

The Apex Court has condoned large delays but for equitable grounds, though, has denied interest to the claimants for the period of delay.

Keeping in view the aforesaid factual position as also taking into account the ground shown in the application for condonation of delay, the application is allowed and the delay in filing the appeal is condoned with the condition that the appellant shall not be entitled to the interest for the period of delay.

The application stands disposed of.

LA.APP. 431/2015

Since the present appeal is covered by the decision of the Hon'ble Supreme Court of India in Charan Singh (supra), the present appeal is disposed of in terms of the said decision. The appellant shall, however, not

been entitled to the interest for the period of delay.

The appeal stands disposed of.

ASHUTOSH KUMAR, J

JANUARY 19, 2016

ns