

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

**RFA No.2288 of 2016 (O&M)
Date of Decision : 02.02.2017.**

Sarwan Singh through LR's and others

.....Appellants

Versus

**State of Punjab through Collector, Land Acquisition, Industries
Department, Punjab and another**

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Raj Kumar Rana, Advocate for the appellants.

Mr. K.K.Gupta, Addl. A.G. Punjab.

ARUN PALLI, J. (Oral)
CM No.6851-CI-2016

Allowed as prayed for.

CM No.6852-CI of 2016

This is an application for condonation of delay of 5243 days in re-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 order and judgment, dated 14.03.2016, rendered by this court in RFA No.2033 of 2002 (Mam Raj and others Vs. State of Punjab), and other connected matters, vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners.

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

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. LR's. v. Haryana State and others*, 2015

(2) RCR (Civil) 507, delay of 5243 days in re-filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in re-filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM No.6853-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. Accordingly, legal representatives of late Sarwan Singh, who is stated to have died on 23.03.1990, as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only. It is clarified that this order shall have no bearing if any dispute qua the registered will executed in favour of Jasmer Kaur, is pending before any Court.

CM No.6854-CI of 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. Accordingly, legal representatives of the deceased Nos. 2(i) (a), (b) and 2(ii), as depicted in Para Nos.4 and 6 of the application are brought on record for the purpose of pursuing the present appeal only. It is clarified that this order shall have no bearing if any dispute qua the registered will dated 7.5.1997, is pending before any Court.

CM No.6855-CI of 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. Accordingly, legal representatives of late Arjan Singh, who is stated to have died on 10.01.2011, as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only.

CM No.6856-CI of 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. Accordingly, legal representatives of late Sardara Singh, who is stated to have died on 06.03.1996, i.e. LRs No.4(i) and 4 (ii) as depicted in paragraph

2 of the application are brought on record for the purpose of pursuing the present appeal only. It is clarified that this order shall have no bearing if any dispute qua the registered will dated 22.10.1997, is pending before any Court.

CM No.6857-CI of 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. Accordingly, legal representatives of late Jawala Singh, who is stated to have died on 12.10.2015, i.e. LRs No. 5(i) and 5(ii) as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only. It is clarified that this order shall have no bearing if any dispute qua the registered will dated 7.9.2000, is pending before any Court.

CM No.6850-CI of 2016 in/and RFA No.2288 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 Mam Raj'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 re-filing the appeal i.e. 5243 days.

02.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No