

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

RFA No.3848 of 2016(O&M)
Date of decision: 19.01.2017

Raj Kumar Saini

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. ND Achint, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-10654-CI-2016

This is an application seeking condonation of delay of 1364 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 23.09.2014, rendered by this court in RFA No.2174 of 2012 [**Smt. Savitri Devi v. The Land Acquisition Collector, Gurgaon and others**], as also the decision of the Hon'ble Supreme Court, dated 31.03.2015, rendered in Civil Appeal No.3412 of 2015 [**Sachin and others v. State of Haryana and others**].

Notice.

Ms. Safia Gupta, AAG, Haryana, and Mr. Pritam Singh Saini, Advocate, present in court, accepts notice on behalf of respondents No.1 & 2, and respondent No.3, respectively.

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 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 1364 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-10655-CI-2016

Allowed, as prayed for.

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For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decisions rendered by this court in the cases of Savitri Devi and Sachin and others (supra), the present appeal is disposed of in the same terms. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1364 days.

January 19, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO