

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

**CM No.10817-CI of 2016 in/and
RFA No.3933 of 2016 (O&M)
Date of Decision : 10.01.2017.**

Sarupa (deceased) through LRs and others

.....Appellants

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Munfaid Khan, Advocate for
Mr. Amit Jain, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.10816-CI-2016

For the reasons set out in the application, the delay of 10 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM No.10817-CI of 2016

This is an application for condonation of delay of 2262 days in 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 judgment, dated 23.03.2011, rendered by this court in RFA No.1536 of 2010 (Balra and others Vs. State of Haryana and another), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation to ₹6,50,000/- per acre.

Notice in the application.

Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of the respondents.

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

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. LRs. v. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 2262 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM No.10818-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 Sarupa, who is stated to have died on 25.06.2007, as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only.

CM No.10819-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 legal representatives of late Surja, who is stated to have passed away on 07.02.2009, during the pendency of the reference, to institute and maintain the present appeal.

RFA No.3933 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 *Balia'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. 2262 days.

10.01.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No