

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

**CM No.11441-CI of 2016 in/and
RFA No.4125 of 2016 (O&M)
Date of Decision : 23.01.2017.**

Mahabir @ Mahavir since deceased through his LRs and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Virender Rana, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.11440-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 Mahavir @ Mahabir, Sheo Prasad and Rameshwar, who is stated to have passed away on 5.8.2011, 13.01.2016 and 4.9.2015 respectively, during the pendency of the reference, to institute and maintain the present appeal. It is clarified that this order shall have no bearing if any dispute qua the registered will dated 9.10.2002, 12.11.2014 and 10.08.2015, are pending before any Court.

CM No.11441-CI of 2016

This is an application for condonation of delay of 821 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 27.05.2016, rendered by this court in RFA No.5316 of 2014 (Pushpender Kumar and others Vs. State of Haryana and another), vide which, the compensation awarded to the landowners was enhanced by this Court.

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 counsel for the respondents.

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 821 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.11442-CI-2016

Allowed as prayed for.

RFA No.4125 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 *Pushpender Kumar'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. 821 days.

23.01.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No