

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

RFA No.4136 of 2016(O&M)
Date of decision: 01.02.2017

Rajbir Singh (deceased) through LRs and others

... Appellants

Versus

District Revenue Officer-cum-Land Acquisition Collector, Gurgaon and
others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sushil K. Sharma, Advocate for
Mr. ML Sharma, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-11459-CI-2016

For the reasons set out in the application, the delay of 59 days
in re-filing the accompanying appeal is condoned.

CM stands disposed of.

CM-11460-CI-2016

This is an application for condonation of delay of 665 days in
filing the accompanying appeal.

All what has been urged by learned counsel for the applicants 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**] and other
connected cases, vide which in the appeals arising out of the same
acquisition, this court had enhanced the compensation awarded to the
landowners.

Notice.

Ms. Safia Gupta, AAG, Haryana, and Mr. Pritam Singh Saini,
Advocate, present in court, accept 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 665 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-11461-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, the LRs of late Rajbir Singh (appellant No.1), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-11462-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, the LRs of late Nihal Singh (appellant No.6), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-11463-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 LRs (depicted in para 2) of late Smt. Phoolwati wd/o late Sh. Nathu, who is stated to have passed away on 07.01.2013, during the pendency of the reference, to institute and maintain the present appeal.

CM-11464-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 LRs (depicted in para 2) of late Hari

Kishan s/o late Sh. Nathu, who is stated to have passed away on 20.12.2012, during the pendency of the reference, to institute and maintain the present appeal.

RFA-4136-2016

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 Smt. Savitri Devi's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 665 days.

February 1, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO