

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

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RFA No.4255 of 2016(O & M)

Date of Decision:01.02.2017

Bhajan Singh @ Harbhajan Singh and others

....appellants

Versus

U.T.Chandigarh and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Rajinder Goyal, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM No.11998-CI of 2016

This is an application for condonation of delay of 789 days in filing the appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 02.02.2016 rendered by this Court in RFA No. 3431 of 2011 (Rahul Inder Singh and another v. U.T. Chandigarh through its Administrator, Sector 9, UT, Chandigarh and others), vide which the compensation awarded to the land owners was enhanced by this Court.

Notice in the application to respondent No.1, only. For, learned counsel for the applicants submits that in the present appeal, he confines his claim, only, qua respondent No.1, and, his appeal as regards respondents No.2 to 5 be deemed to have been withdrawn.

Ordered accordingly.

On the asking of the Court, Mr. Suvir Sehgal, Senior Standing counsel with Mr. Daman Dhir, Advocate, for UT, Chandigarh, present in Court, accepts notice on behalf of respondent No.1.

The factual position as set out above, is not disputed by learned counsel for respondent No.1.

I have heard learned counsel for the parties and perused the record.

In the wake of the decision 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 789 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

RFA No.4255 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 *Rahul Inder Singh'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.789 days.

February 01, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No