

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

**CM No.12132-CI of 2016 in/and
RFA No.4298 of 2016 (O&M)
Date of Decision : 02.02.2017.**

Usha Devi and others

.....Appellant(s)

Versus

Haryana State and others

..... Respondent(s)

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. R.S. Hooda , Advocate for the appellant(s).

ARUN PALLI, J. (Oral)

CM No.12129-CI-2016

For the reasons set out in the application, the delay of 12 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM No.12132-CI of 2016

This is an application for condonation of delay of 1732 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 28.03.2016, rendered by this court in RFA No.2322 of 2011 (Usha Rani and others Vs. State of Haryana and others), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation to ₹48,57,000/- per acre.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Pritam Singh Saini, Advocate for respondents No.3 and 4.

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 1732 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.12130-CI-2016

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed subject to all just exceptions. Consequently, legal representatives of deceased Smt. Chandra Devi, as depicted in para 2 of the application, who is stated to have died on 11.12.2010, is granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

CM No.12131-CI-2016

Allowed as prayed for.

RFA No.4298 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 *Usha Rani'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. 1732 days.

02.02.2017

Manoj Bhutani/sonia arora

**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No