

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.4443 of 2016 (O&M)
Date of Decision : 28.02.2017.

Smt. Bhago since deceased through her LRs and others

.....Appellants

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Rajan, Advocate for
Mr. Vishal Aggarwal, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.12450-CI of 2016

This is an application for condonation of delay of 3053 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 17.02.2016, rendered by this court in RFA No.2902 of 1999 (Union of India and another Vs. Major Pritam Singh and another), and other connected matters, vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation uniformly to ₹2300/- per marla.

Notice in the application.

Mr. B.S.Kanwar, Advocate, 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 3053 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-12451-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 appellant Nos.1, 8 and 10, as depicted in paragraphs 2, 3 and 4 of the application are brought on record for the purpose of pursuing the present appeal only.

RFA No.4443 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 Major Pritam 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. 3053 days.

28.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No