

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

**RFA No.4565 of 2016 (O&M)
Date of Decision : 20.02.2017.**

Desh Raj (since deceased) through his LR's and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Arun Yadav, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.12682-CI-2016

For the reasons set out in the application, the delay of 4 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM No.12683-CI of 2016

This is an application for condonation of delay of 663 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 27.02.2016, rendered by this court in RFA No.7705 of 2014 (Om Parkash 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, uniformly, to ₹38,02,410/-.

Notice in the application.

Ms. Safia Gupta, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Ms. Chetna Rao, Advocate on behalf of respondent No.3.

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 663 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.12684-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 Desh Raj, who is stated to have passed away on 24.08.2007, during the pendency of the reference, to institute and maintain the present appeal.

CM-12685-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 Dharmender, who is stated to have passed away on 02.10.2014, during the pendency of the reference, to institute and maintain the present appeal.

RFA No.4565 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 *Om Parkash'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. 663 days.

20.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No