

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-4669-2016 (O&M)
Date of Decision: February 22, 2017

Rajbir		...Appellant
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sunil Kumar Bhardwaj, Advocate, for the appellant.

ARUN PALLI, J. (ORAL)

CM-13048-CI-2016:

This is an application for condonation of delay of 771 days in filing the appeal.

All what has been urged by learned counsel for the applicant/appellant is that the matter in issue is squarely covered by the judgment dated 03.12.2015, rendered by this Court in RFA No. 2918 of 2006 (O&M), titled "Prem and others v. State of Haryana", and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court enhanced the damages on account of severance @ 20% of the value of the acquired land. And, assessed the same @ Rs. 50,000/- per acre instead of Rs. 25,000/- per acre awarded by the Reference Court in para 15 of the impugned award.

Notice.

On the asking of the Court, Mr. Shivendra Swaroop, Assistant Advocate General, Haryana, present in the Court, accepts notice on behalf of the respondent.

The factual position as set out above, is not disputed by learned counsel for the respondent.

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

In the wake of the decision of Hon'ble the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) R.C.R. (Civil) 437** and **Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) R.C.R. (Civil) 507**, delay of 771 days in filing the

accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellant shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

CM-13049-CI-2016

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 626 days in re-filing the accompanying appeal (though wrongly depicted as delay in filing) is condoned.

CM-13050-CI-2016:

Allowed as prayed for.

RFA-4669-2016:

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 the case of Prem and others (supra), the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal, i.e. 771 days.

A copy of this order be sent to the Reference/Executing Court.

(ARUN PALLI)
JUDGE

February 22, 2017

P Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO