

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

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RFA No.4901 of 2016(O & M)

Date of Decision:27.01.2017

Sain Mohammed and others

....appellants

Versus

Punjab State and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.R.S.Manhas, Advocate
for the appellants

Mr.K.K.Gupta, Addl.AG Punjab

ARUN PALLI, J. (ORAL):

CM No.13696-CI of 2016

This is an application for condonation of delay of 6584 days in filing the appeal.

Despite opportunity, no reply has been filed to the application.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 26.08.2015, rendered by this Court in **RFA No.226 of 1999**, titled “The Punjab State and others versus Durgi Devi and others”, vide which, in the appeals arising out of the same acquisition, this Court, while placing reliance upon another decision dated 16.03.2009, rendered by this Court in RFA No.4525 of 2001 titled “Thuru Ram vs. State of Punjab and others”, had enhanced the compensation awarded to the landowners.

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

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 6584 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.

CM No.13695-CI of 2016 and RFA No.4901 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 Durgi Devi'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.6584 days.

January 27, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable-

Yes/No