

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

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RFA No.4952 of 2016(O & M)
Date of Decision:06.07.2017

Mahashu Ram (deceased th.LRs.)

....appellants

Versus

Union of India and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

ARUN PALLI, J. (ORAL):

CM-13777-CI-2016

This is an application for condonation of delay of 3053 days in filing the appeal.

All what has been urged by 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 v. Major Pritam Singh and another**] and other connected cases, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation uniformly to ₹ 2300/- per marla.

Notice.

On the asking of the Court, Mr.Brijeshwar Singh Kanwar, present in the 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 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 3053 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-13778-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 Mahashu Ram-appellant, who is stated to have died on 06.06.1996, as depicted in para No.2 of the application, are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

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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.

July 06, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable-

Yes/No