

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.1044 of 2017 (O&M)
Date of Decision : 28.08.2017.

Diwan Chand and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Amardeep Sheoran, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-2674-CI-2017

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 Mahender Lal and Hako Devi, who are stated to have passed away on 19.01.2012 and 12.12.2014, during the pendency of the reference, to institute and maintain the present appeal.

CM-2675-CI-2017

For the reasons set out in the application, the delay of 10 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM No.2676-CI-2017

This is an application for condonation of delay of 608 days in filing the accompanying appeal. Learned counsel for the applicants

concedes that the explanation rendered in the application hardly constitute any sufficient cause. However, it is urged that the matter in issue is squarely covered by the judgment, dated 03.03.2016, rendered by this Court in RFA No.2963 of 2015 (Haryana State Industrial and Infrastructure Development Corporation Ltd. through its Managing Director and another Vs. Mangal Singh and others), and other connected matters, vide which, this Court had enhanced the compensation awarded to the claimants/landowners.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Pritam Singh Saini, Advocate for 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 608 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.

RFA No.1044 of 2017

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 Mangal 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. 608 days.

28.08.2017
Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No