

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

RFA No.1065 of 2017(O&M)

Date of decision: 23.02.2017

Shanti Devi (deceased) through her LR's and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. SN Pillania, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-2700-CI-2017

This is an application for condonation of delay of 836 days in filing the accompanying 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 30.10.2015, rendered by this court in RFA No.9821 of 2014 [**Baru and others v. State of Haryana**] and other connected cases, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners to ₹ 350/- per sq. yard for the land abutting the road, and ₹ 250/- per sq. yard beyond the depth of 2 acres from the road.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the respondents.

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

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

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. LR's. v. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 836 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-2701-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, the LR's of late Smt. Shanti Devi, as depicted in para 3 of the application, are brought on record for the purpose of pursuing the present appeal only.

**CM-2699-CI-2017 in
RFA-1065-2017**

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 Baru's case (*supra*), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 836 days.

February 23, 2017
sanjiv

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO
Whether Reportable: YES/NO