

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

RFA No.1089 of 2017(O&M)

Date of decision: 23.02.2017

Ram Kishan (Deceased) through LRs and others

... Appellant(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Sharmila Sharma, Advocate for the appellant(s).

ARUN PALLI J. (Oral)

CM-2749-CI-2017

This is an application for condonation of delay of 553 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 03.03.2016, rendered by this court in RFA No.2963 of 2015 [**Haryana State Industrial and Infrastructure Development Corporation Limited through its Managing Director and another v. Mangal Singh and others**] 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 ₹ 1013/- per sq. yard.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, and Mr. Pritam Singh Saini, Advocate, accept notice on behalf of respondents No.1 & 2 and respondent No.3 respectively.

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 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. v. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 553 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-2751-CI-2017

This is an application seeking condonation of delay of 102 days in re-filing the accompanying appeal.

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

CM stands disposed of.

CM-2752-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 Ram Kishan S/o Sadhu Ram, Deewan Chand S/o Sadhu Ram, Sham Lal S/o Sadhu Ram and Laxmi Bai D/o Sadhu Ram as depicted in para 3 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-2750-CI-2017**RFA-1089-2017**

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 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. 553 days.

February 23, 2017

sanjiv

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO