

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1129-2017 (O&M)

Date of Decision: February 28, 2017

Sarno 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.

ARUN PALLI, J. (ORAL)

CM-2813-CI-2017:

This is an application for condonation of delay of 6645 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 judgement dated 26.08.2015, rendered by this Court in **RFA No. 226 of 1999**, titled “**Punjab State and others v. 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 v. State of Punjab and others**”, had enhanced the compensation awarded to the landowners.

Notice.

On the asking of the Court, Mr. K.K. Gupta, Additional Advocate General, Punjab, present in the Court, accepts notice on behalf of the respondents.

State counsel.

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

In the wake of the decision of Hon'ble the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) R.C.R. (Civil) 437** and **Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) R.C.R. (Civil) 507**, delay of 6645 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellants shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

CM-2812-CI-2017 & RFA No. 1129 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 **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. 6645 days.

A copy of this order be sent to the Reference/Executing Court.

(ARUN PALLI)
JUDGE

February 28, 2017

Pk Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO