

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

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RFA No.1146 of 2017(O & M)

Date of Decision:28.02.2017

Ram Mehar (deceased) th.LRs

....appellants

Versus

State of Haryana

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.V.D.Sharma, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM No.2863-CI of 2017

This is an application for condonation of delay of 1790 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 23.04.2016, rendered by this Court in **RFA No.2176 of 2012**, titled “Rajinder versus State of Haryana”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners.

Notice.

On the asking of the Court, Ms.Safia Gupta, AAG Haryana, present in the Court, accepts notice on behalf of the respondent.

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

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 1790 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 No.2864-CI of 2017

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 Ram Mehar-appellant, who is stated to have died on 11.03.2016, 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.

CM No.2862-CI of 2017 and RFA No.1146 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 *Rajinder'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.1790 days.

February 28, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No