

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1154-2017 (O&M)

Date of Decision: March 1, 2017

Ajay Mahajan

...Appellant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. R.S. Manhas, Advocate,
for the appellant.

ARUN PALLI, J. (ORAL)

CM-2883-CI-2017:

This is an application for condonation of delay of 3281 days in re-filing the appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 17.02.2016, rendered by this Court in **RFA No. 2902 of 1999**, titled “**Union of India and another v. Major Pritam Singh and another**”, and other connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation uniformly to Rs.2,300/- per marla.

Notice.

Mr. R.S. Malik, Advocate, on behalf of respondent Nos. 1 & 3, and Mr. K.K. Gupta, Additional Advocate General, Punjab, on behalf of respondent No. 2, accept notice.

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 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 3281 days in re-filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellant shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

CM-2884-CI-2017:

Allowed as prayed for.

CM-2885-CI-2017 & RFA No. 1154 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 **Major Pritam Singh's case (supra)**, the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in re-filing the appeal i.e. 3281 days.

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

(ARUN PALLI)
JUDGE

March 01, 2017

P Kapoor

Whether Speaking/Reasoned:

Whether Reportable:

YES / NO

YES / NO