

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

RFA No.1199 of 2017(O&M)
Date of decision: 06.03.2017

Ami Lal (deceased) through LRs and others

... Appellants

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. VD Sharma, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-3046-CI-2017

This is an application for condonation of delay of 1801 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 23.04.2016, rendered by this court in RFA No.2176 of 2012 [**Rajinder v. 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.

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

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. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 1801 days in filing the accompanying appeal

is condoned. However, for the period of delay the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-3047-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, leave is granted to the LRs of late Jug Lal s/o Harnam (appellant No.2) and late Fulma Devi d/o Nanhi d/o Harnam (appellant No.3(ii), who are stated to have passed away during the pendency of the reference, to institute and maintain the present appeal.

CM-3045-CI-2017

RFA-1199-2017

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 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. 1801 days.

March 6, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO