

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

RFA No.1229 of 2017(O&M)
Date of decision: 16.03.2017

Bal Kishan and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Navneet Singh, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-3183-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 LR's of late Joginder Kumar s/o Jai Narain (appellant No.5), who is stated to have passed away during the pendency of the reference on 03.08.2012, to institute and maintain the present appeal.

CM-3184-CI-20167

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 Jagdish s/o Gordhan (appellant No.13), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-3185-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 LR's of late Savitri w/o Kishan Chand Gupta (appellant No.15), who is stated to have passed away during the pendency of the reference on 01.04.2011, to institute and maintain the present appeal.

CM-3186-CI-2017

This is an application for condonation of delay of 1551 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 03.11.2015, rendered by this court in RFA No.6207 of 2012 [**Piryavert and another v. Haryana Government and others**] and other connected matters, 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 and Mr. Pritam Singh Saini, Advocate, accept notice on behalf of respondents No.1 & 2 and respondent No.3, respectively.

For, respondent No.4 is alleged to be a proforma party, his service is dispensed with.

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. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, the delay of 1551 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-3187-CI-2017RFA-1229-2017

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 Piryavert'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. 1551 days.

March 16, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO