

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

RFA No.1231 of 2017(O&M)
Date of decision: 16.03.2017

Sumitra (deceased) through her LRs

... Appellants

Versus

Punjab State and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RS Manhas, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-3204-CI-2017

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, applicants are permitted to make good the deficiency in court fee.

CM-3206-CI-2017

This is an application for condonation of delay of 6645 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 26.08.2015, rendered by this court in RFA No.226 of 1999 [**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 [**Thuru Ram v. State of Punjab and others**] had enhanced the compensation awarded to the landowners.

Notice.

Mr. KK Gupta, Addl. AG, Punjab, present in court, accepts notice on behalf of the respondents.

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, the delay of 6645 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-3207-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 LRs of late Sumitra wd/o late sh. Khusia (sole appellant), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-3205-CI-2017

RFA-1231-2017

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 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. 6645 days.

March 16, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO