

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

**RFA No.1296 of 2017 (O&M)
Date of Decision : 18.03.2017.**

Bir Singh (deceased) through his LRs

.....Appellant

Versus

Punjab State through Collector, Gurdaspur and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

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

ARUN PALLI, J. (Oral)

CM-3420-CI-2017

This is an application for condonation of delay of 6660 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicant 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 (The Punjab State and others Vs. 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 Vs. State of Punjab and others) had enhanced the compensation awarded to the landowners.

Notice in the application.

Mr. K.K.Gupta, Addl. A.G. 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 records.

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 6660 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-3421-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 legal representatives of late Bir Singh, who is stated to have passed away on 12.06.1998, during the pendency of the reference, to institute and maintain the present appeal.

CM-3419-CI-2017 in/and RFA No.1296 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 Durgi Devi'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 filing the appeal i.e. 6660 days.

18.03.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No