

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

RFA No.1331 of 2017(O&M)
Date of decision: 20.03.2017

Kushal Singh @ Khushal Singh

... Appellant(s)

Versus

Union of India and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

ARUN PALLI, J. (Oral)

CM-3492-CI-2017

This is an application seeking condonation of delay of 3294 days in re-filing the accompanying 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 [**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 ₹ 2300/- per marla.

Notice.

Mr. RS Malik, Advocate on behalf of respondents No.1 & 3, and Mr. KK Gupta, Addl. AG, Punjab on behalf of respondents 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 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 3294 days in re-filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in re-filing the appeal the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-3493-CI-2017

Allowed, as prayed for.

CM-3494-CI-2017

RFA-1331-2017

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 the same terms. 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. 3294 days.

(Arun Palli)
Judge

March 20, 2017

Rajan/sonia arora

Whether speaking / reasoned:

YES/NO

Whether Reportable:

YES/NO