

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

**RFA No.1408 of 2017 (O&M)
Date of Decision : 01.06.2017.**

Brijesh and others

.....Appellant(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Jangvir S. Hooda, Advocate for the appellant(s).

ARUN PALLI, J. (Oral)

CM-3610-CI-2017

For the reasons set out in the application, the delay of 36 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM-3611-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. Accordingly, legal representatives of late Sumer Singh, who is stated to have died on 24.08.2013, as depicted in the application are brought on record for the purpose of pursuing the present appeal only.

CM-3612-CI-2017

This is an application for condonation of delay of 1985 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 28.03.2016, rendered by this court in RFA No.2322 of 2011 (Usha Rani and others Vs. State of Haryana 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 to ₹48,57,000/- per acre.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Pritam Saini, Advocate on behalf of respondent No.3.

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 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 1985 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.

RFA No.1408 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 *Usha Rani's case (supra)*, the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1985 days.

01.06.2017

sanjiv

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No