

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

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RFA No.1414 of 2017(O & M)

Date of Decision:10.05.2017

Ramesh Rai (deceased) th.LRs. and anotherappellants

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.S.S.Khaira, Advocate for the appellants

ARUN PALLI, J. (ORAL):

CM No.3635-CI of 2017

This is an application for condonation of delay of 2112 days in re-filing the accompanying appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 2112 days in re-filing the appeal is condoned.

CM stands disposed of.

CM No.3636-CI of 2017

This is an application for condonation of delay of 4644 days in filing the appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 07.12.2015, rendered by this Court in **RFA No.7055 of 2015**, titled “Faja Singh (since deceased) th.LRs. versus Punjab State and others”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners.

Notice.

On the asking of the Court, Mr.K.K.Gupta, Addl.AG Punjab, present in the Court, accepts notice on behalf of the respondents.

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 decision 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 4644 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM No.3637-CI of 2017

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed, subject to all just exceptions.

Consequently, legal representatives of deceased Ramesh Rai-appellant No.1, who is stated to have died on 27.10.2010, as depicted in para No.2 of the application, are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

RFA No.1414 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 Faja Singh'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.4644 days.

(Arun Palli)
Judge

May 10, 2017
raman/neenu

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