

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

**RFA No.1560 of 2017 (O&M)
Date of Decision : 05.07.2017.**

Nayadar (deceased) through LRs

.....Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Harsh Chopra, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-3966-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, the delay in making good the deficiency in Court fee is condoned.

CM-3967-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 Nayadar, who is stated to have died on 26.10.2013, as depicted in paragraph 3 of the application are brought on record for the purpose of pursuing the present appeal only. It is clarified that this order shall have no bearing if any dispute qua the registered will dated 24.10.2013, is pending before any Court.

CM-3968-CI-2017

Allowed as prayed for.

CM-3969-CI of 2017

This is an application for condonation of delay of 967 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 20.05.2016, rendered by this court in RFA No.4475 of 2012 (Ram Chander and another 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 claimants/landowners.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of respondents No.1 and 2. For, respondent No.3 is alleged to be proforma party, his service is dispensed with.

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 967 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.

RFA No.1560 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 Ram Chander'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. 967 days.

05.07.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No