

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

RFA No.1632 of 2017(O&M)
Date of decision: 07.04.2017

Onkar Nath Mahajan @ Onkar Nath(deceased) through his LRs.

... Appellants

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amit Babbar, Advocate for
Mr. RS Manhas, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-4156-CI-2017

This is an application seeking condonation of delay of 3318 days in re-filing the accompanying appeal.

All what has been urged by learned counsel for the applicants 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 ₹ 2,300/- per marla.

Notice.

Mr. RS Malik, Advocate, present in 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 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 3318 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 applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-4158-CI-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 Onkar Nath Mahajan @ Onkar Nath-appellant No.1, who is stated to have died on 04.05.2009, during the pendency of the Reference, are granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

CM-4157-CI-2017

RFA-1632-2017

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 appellants shall not be entitled to interest on the enhanced compensation for the period of delay in re-filing the appeal i.e. 3318 days.

April 7, 2017

sanjiv

(Arun Palli)
Judge

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO