

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

109

RFA-1636-2017 (O&M)

Date of Decision: April 17, 2017

Om Parkash and others

...Appellants

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

ARUN PALLI, J. (ORAL)

CM-4173-CI-2017

Application is allowed as prayed for.

CM-4172-CI-2017

This is an application for condonation of delay of 3277 days in re-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 judgment, dated 17.02.2016, rendered by this Court in **RFA No. 2902 of 1999**, titled “**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. R.S. Malik, Advocate, on behalf of respondent No. 1 and Mr. K.K. Gupta, Additional Advocate General, Punjab, on behalf of respondent Nos. 2 to 4, 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 decision of Hon'ble the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others**, 2015 (2) R.C.R. (Civil) 437 and **Dhiraj Singh (D) Tr. LRs v. Haryana State and others**, 2015 (2) R.C.R. (Civil) 507, delay of 3277 days in re-filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellants shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

CM-4174-CI-2017 & RFA No. 1636 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 **Major Pritam 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 re-filing the appeal i.e. 3277 days.

A copy of this order be sent to the Reference/Executing Court.

April 17, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No