

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

RFA No.1661 of 2017(O&M)
Date of decision: 21.04.2017

Surta (deceased) through LR's and others

... Appellants

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. VD Sharma, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-4260-CI-2017

This is an application for condonation of delay of 1830 days in 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 23.04.2016, rendered by this court in RFA No.2176 of 2012 [**Rajinder v. State of Haryana**], vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the respondent.

The factual position, as set out above, is not disputed by learned State counsel.

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. LR's. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 1830 days in filing the accompanying appeal

is condoned. However, for the period of delay the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-4261-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 LRs of late Surta s/o Nigaya (appellant No.1), as indicated in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-4259-CI-2017

RFA-1661-2017

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 Rajinder'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 filing the appeal i.e. 1830 days.

April 21, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO