

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

RFA No.1704 of 2017(O&M)
Date of decision: 26.04.2017

Shyam (deceased) through his LRs

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajender Kumar, Advocate for
Mr. MS Tewatia, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-4390-CI-2017

This is an application seeking condonation of delay of 1869 days in re-filing the accompanying appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 28.03.2016, rendered by this court in RFA No.2322 of 2011 [**Usha Rani and others v. State of Haryana and others**] and other connected cases, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners to ₹ 48,57,000/- per acre.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, Advocate accept notice on behalf of respondents No.1 & 2, and respondents No.3 & 4, respectively.

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 1869 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 applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

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For the reasons set out in the application, the delay of 61 days in filing the appeal is condoned.

CM stands disposed of.

CM-4392-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 Shyam s/o Lohre (sole appellant), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-4389-CI-2017

RFA-1704-2017

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 Usha Rani's case (supra), the present appeal is disposed of in the same terms. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in re-filing the appeal i.e. 1869 days.

April 26, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO