

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

**CM-4620-CI-2017 in/and
RFA No.178 of 2017 (O&M)
Date of Decision : 09.05.2017.**

Mool Chand and others

.....Appellants

Versus

State of Haryana through Collector, Gurgaon and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Abhimanyu Singh, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-4620-CI-2017

For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Consequently, the hearing in the appeal is preponed to today.

CM No.417-CI-2017

Allowed as prayed for.

CM No.418-CI-2017

This is an application for condonation of delay of 1376 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 05.02.2016, rendered by this Court in RFA No.1853 of 2012 (Attar Singh 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.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Pritam Singh Saini, Advocate for respondents No.3 and 4. For respondent Nos.5 and 6 are proforma respondents, their service is dispensed with.

The factual position, as set out above, is not disputed by learned counsel for the respondents. 2

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. LR. v. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 1376 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal, the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

RFA No.178 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 *Attar 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 filing the appeal i.e. 1376 days.

May 09, 2017

Manoj Bhutani/sonia arora

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No