

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

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**RFA No.1935 of 2017(O & M)
Date of Decision:04.08.2017**

Mahinder (son of Ram Phal) since deceased through his legal heirs.

....appellant

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Ms.Gurmeet Gill, Advocate for the appellant

ARUN PALLI, J. (ORAL):

CM-4917-CI-2017

Application is allowed as prayed for.

CM-4918-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 Mahinder (appellant) who is stated to have expired on 4.12.2015, as depicted in para No.2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-4919-CI-2017

This is an application for condonation of delay of 375 days in re-filing the appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 375 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-4920-CI-2017

This is an application for condonation of delay of 2686 days in filing the appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgement dated 03.11.2015, rendered by this Court in **RFA No.3328 of 2008**, titled “Shingari Devi (deceased) through LRs and others versus State of Haryana and others”, vide which, in the appeals arising out of the same acquisition, Court had enhanced the compensation awarded to the landowners.

Notice in the application.

On the asking of the Court, Ms.Safia Gupta, AAG Haryana, present in the Court, accepts notice on behalf respondents No.1 and 2 and Mr.Pritam Saini, Advocate, accepts notice on behalf of respondent No.3.

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

I have heard learned counsel for the parties and perused the record.

In the wake of the decision 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*, delay of 2686 days in filing the accompanying appeal is condoned. However, for the period of delay, the applicant shall not be entitled to interest on the enhanced compensation. CM stands disposed of.

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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 Shingari Devi's case (Supra), the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest for the period of delay in filing the appeal i.e.2686 days.

(ARUN PALLI)
JUDGE

August 04, 2017
raman/neenu

Whether speaking/reasoned Yes/No.
Whether reportable- Yes/No