

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

RFA No.1994 of 2017(O&M)
Date of decision: 22.09.2017

Ramphool and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Chanderhas Yadav, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-5168-CI-2017

This is an application seeking condonation of delay of 944 days in filing the accompanying appeal.

At the outset, learned counsel for the applicants concedes that the explanation rendered in the application hardly constitute any sufficient cause. However, it is urged that the matter in issue is squarely covered by the judgment, dated 27.02.2016, rendered by this court in RFA No.7705 of 2014 [**Om Parkash and others v. State of Haryana and another**] 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.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Karminder Singh, Advocate accept notice on behalf of respondents No.1 & 2 and respondent No.3, 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 944 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.

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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 Ajit @ Raj (appellant No.3), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

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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 Om Parkash'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. 944 days.

September 22, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO