

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.2007 of 2017 (O&M)
Date of Decision : 27.10.2017.

Sukhram and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Aditya Singh Yadav, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-5211-CI-2017

This is an application for condonation of delay of 529 days in filing the accompanying appeal.

Learned counsel for the applicants concedes, at the outset, 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 25.10.2017, rendered by this Court in RFA No.3522 of 2015 (Babu Lal and others Vs. State of Haryana and others), and other connected matters, vide which, the matter has since been remitted to the reference Court for re-decision.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of respondents No.1 and 2 and Mr. P.S. Saini, Advocate for respondents No.3 and 4.

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 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 529 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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Since the matter is being remitted to the reference Court, it is clarified that in the event, the applicant/appellants are awarded enhancement in the compensation they shall not be entitled to any interest upon the enhanced amount for the period of delay in filing the appeal i.e. 529 days. Parties through their respective counsel are directed to appear before the District Judge on 13.11.2017.

27.10.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No