

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

**RFA No.2131 of 2017 (O&M)
Date of Decision : 26.05.2017.**

Rishi Datt and others

.....Appellants

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Ashok Kaushik, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.5710-CI-2017

Allowed as prayed for.

CM No.5711-CI-2017

This is an application for condonation of delay of 4392 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 31.08.2015, rendered by this Court in RFA No.8 of 2005 (Devinder Singh and others 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/landowners.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the respondents.

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. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 4392 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.

CM-5712-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. Accordingly, legal representatives of late Chhoti and Inderawati, who are stated to have passed away, as depicted in paragraph 1 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 Devinder 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. 4392 days.

26.05.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No