

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-2171-2017 (O&M)
Date of Decision: May 30, 2017

Davinder Kumar (Deceased) through his LR

...Appellant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amit Babbar, Advocate,
for Mr. R.S. Manhas, Advocate,
for the appellant.

ARUN PALLI, J. (ORAL)

CM-5824-CI-2017:

This is an application for condonation of delay of 3441 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicant/appellants is that the matter in issue is squarely covered by the order and judgment, dated 17.02.2016, rendered by this Court in **RFA No. 2902 of 1999, titled "Union of India and another v. Major Pritam Singh and another", and other connected cases**, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation uniformly to Rs.2,300/- per marla.

Notice to contesting respondents only.

Mr. R.S. Malik, Advocate, present in the Court, accepts notice on behalf of the contesting 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 decision of Hon'ble the Supreme Court in Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) R.C.R. (Civil) 437 and Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) R.C.R. (Civil) 507, delay of 3441 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellant shall not be entitled to any interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

CM-5825-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. Consequently, leave is granted to the legal representative of deceased, Davinder Kumar, who is stated to have passed away on 07.12.2013, to institute and maintain the accompanying appeal.

CM-5823-CI-2017 and RFA-2171-2017:

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 Major Pritam Singh's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal, i.e. 3441 days.

(ARUN PALLI)
JUDGE

May 30, 2017
P Kapoor

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO