

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

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RFA No.2217 of 2017(O & M)

Date of Decision:20.09.2017

Umed Singh and another

....appellants

Versus

Gyani Ram(deceased) th.LRs.and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Arjun Kundra, Advocate
for the appellants

Mr.Kulwant Singh, Advocate
for LRs.of respondent No.1 and respondent No.2

Ms.Safia Gupta, AAG Haryana
for respondent No.4

Mr.Pritam Singh Saini, Advocate
for respondent Nos.5 and 6

ARUN PALLI, J. (ORAL):

CM-5919-CI-2017

This is an application for condonation of delay of 1215 days in filing the accompanying appeal.

Notice of this application as also in the main appeal was issued to the non-applicants/respondents No.1 to 6, only. Service is complete as regards respondents No.1,2 and 4 to 6. Respondent No.3 remains unserved for want of correct address. However, learned counsel for the parties are ad idem that respondent No.3 is, in fact, one of the co-sharers with the appellants and respondents No.1 and 2. Which is why, even the reference Court had held him entitled to receive the compensation along with the

appellants and respondents No.1 and 2. Therefore, his service be dispensed with.

Learned counsel for the appellants 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 and order/judgement dated 05.02.2016, rendered by this Court in **RFA No.1853 of 2012**, titled “Attar Singh vs. State of Haryana and others”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners.

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 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 1215 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

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Learned counsel for the parties are ad idem that the dispute as regards apportionment under Section 30 of the Land Acquisition Act, 1894 has since been resolved amicably, and, therefore, the only issue that survives in the present appeal, is qua compensation for the acquired land.

For, the matter in issue is squarely covered by the decision rendered by this

court in Attar Singh's case (Supra), the present appeal too is disposed of in terms thereof. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.1215 days.

September 20, 2017
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(ARUN PALLI)
JUDGE

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