

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

205

RFA No.2435 of 2017(O & M)

Date of Decision:03.11.2017

Ram Bhaj (deceased) th.LRs and others

....appellants

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Ram Chander, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM-6215-CI-2017

This is an application for condonation of delay of 403 days in re-filing the appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 403 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-6216-CI-2017

This is an application for condonation of delay of 2146 days in filing the appeal.

Learned counsel for the appellants concedes, at the outset, that the explanation rendered in the application, hardly constitute any sufficient cause. However, it is urged that vide judgement dated 27.03.2014 rendered by this Court in RFA No.3493 of 2009 titled “Jagmal Singh and another versus State of Haryana and others”, the appeals, arising out of the same acquisition were dismissed by this Court and the compensation awarded by

the reference Court @ ₹ 439/- per sq.yard was maintained. However, it is urged that in the appeals i.e. Civil Appeal No.3926-3940/2015, “Balbir Singh etc.vs. State of Haryana”, filed by the claimants-landowners, against the decision of this Court, the Hon'ble Supreme Court, vide order dated 22.04.2015, has enhanced the compensation further to ₹ 500/- per sq.yard.

Notice.

Mr.Shivendra Swaroop, AAG Haryana, present in the Court, accepts notice on behalf of respondents No.1 to 3. For, respondents No.4 to 21 are alleged to be proforma parties, their service is dispensed with.

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 2146 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.

CM-6217-CI-2017

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed, subject to all just exceptions.

The applicants are allowed to be impleaded as appellants.

CM stands disposed of.

RFA No.2435 of 2017(O & M)

For, the learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by the Hon'ble Supreme Court in the case of *Balbir Singh and others(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.2146 days.

November 03, 2017
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(ARUN PALLI)
JUDGE

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