

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

RFA No.3108 of 2017(O&M)

Date of decision: 14.07.2017

Bant Singh(deceased) through his LR's.

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sukhwinder Singh Sudan, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-7348-CI-2017

Allowed as prayed for.

CM-7349-CI-2017

For the reasons set out in the application, the delay of 131 days in re-filing the accompanying appeal.

CM stands disposed of.

CM-7350-CI-2017

This is an application seeking condonation of delay of 964 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 24.05.2017, rendered by this court in RFA No.1854 of 2015 [**State of Haryana through Land Acquisition Collector, Urban Estate, Panchkula v. Smt.Ram Kaur and another**].

Notice qua contesting respondents only.

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

The factual position, as set out above, is not disputed by learned State counsel.

In view of the above, as also the reasons set out in the application, the delay of 964 days in filing the accompanying appeal is condoned.

CM stands disposed of.

CM-7351-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, the LRs of late Bant Singh (sole appellant), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only. However, it is made clear that this order shall have no bearing upon any proceedings or dispute pending in any court qua the Will dated 05.06.2015.

RFA-3108-2017

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 Smt. Ram Kaur's case (supra), the present appeal is disposed of in the same terms. Parties through their respective counsel are directed to appear before the District Judge, Panchkula on 17.07.2017.

For the matter is being remitted to the Reference Court for re-decision, it is clarified that in the event of compensation awarded to the claimant-landowners is enhanced, they shall not be entitled to any interest on the enhanced compensation for the period of delay in filing the appeal.

(Arun Palli)
Judge

July 14, 2017
raman/rajan

Whether speaking / reasoned: YES/NO
Whether Reportable: YES/NO