

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

RFA No.3240 of 2017(O&M)
Date of decision: 10.11.2017

Sabha Chand @ Sube Singh Malik (deceased) through LRs

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Bhag Singh, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-7560-CI-2017

Allowed as prayed for.

CM-7561-CI-2017

For the reasons set out in the application, the applicants are permitted to make good the deficiency in court fee.

CM stands disposed of.

CM-7562-CI-2017

For the reasons set out in the application, the delay of 155 days in re-filing the accompanying appeal is condoned.

CM stands disposed of.

CM-7563-CI-2017

This is an application seeking condonation of delay of 876 days in filing the accompanying appeal.

Learned counsel for the applicant concedes, at the outset, that the explanation rendered in the application hardly constitutes any sufficient cause. However, it is urged that the matter in issue is squarely covered by the judgment, dated 16.02.2016, rendered by this court in RFA No.3397 of 2014 [**Katar Singh and others v. State of Haryana and others**] and other connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant-land owners.

Notice.

Ms. Safia Gupta, AAG, Haryana, and Mr. Karminder Singh, Advocate, present in court, accept notice on behalf of respondents No.1 & 2 and respondent No.3, respectively.

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 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, the delay of 876 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-7564-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 LRs of late Sabha Chand @ Sube Singh Malik, who is stated to have passed away during the pendency of the reference on 26.08.2012, to institute and maintain the present appeal.

RFA-3240-2017

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 Katar Singh's case (supra), the present appeal is disposed of in the same terms. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 876 days.

(Arun Palli)
Judge

November 10, 2017

Rajan

Whether speaking / reasoned:

YES

Whether Reportable:

NO