

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

**RFA No.3279 of 2017 (O&M)
Date of Decision : 25.07.2017.**

Kamla Devi

.....Appellant

Versus

Union Territory, Chandigarh

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Naresh Chander, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM No.7760-CI of 2017

This is an application for condonation of delay of 4165 days in filing the accompanying appeal.

All what has been urged by the learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 18.05.2010, rendered by this court in RFA No.2989 of 2006 (Union Territory, Chandigarh Vs. Behal Singh Gill and another), and other connected matters, vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the claimants/landowners.

Notice in the applications.

Mr. Tarun Walia, Advocate for Mr. Suvir Sehgal, Sr.Standing Counsel for U.T. Chandigarh accept notice on behalf of the respondent.

The factual position, as set out above, is not disputed by learned counsel for the respondent.

I have heard learned counsel for the parties and perused the records.

In the wake of the decisions of the Hon'ble Supreme Court in Samiyathal and others Vs. Special Tehsildar and others, 2015(2) RCR (Civil) 441, 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 4165 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.

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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 Behal Singh Gill'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. 4165 days.

25.07.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No