

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

RFA No.3308 of 2017(O&M)

Date of decision: 28.07.2017

Yogesh and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajesh K. Kataria, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-7842-CI-2017

This is an application seeking condonation of delay of 1794 days in filing the accompanying appeal.

All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment dated 20.05.2016, rendered by this court in RFA No.4475 of 2012 [**Ram Chander and another 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 qua the 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.

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 1794 days in filing the accompanying

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

CM stands disposed of.

CM-7843-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 Harish Chander (appellant No.5), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-7844-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 LR of late Lakhpat Singh (appellant No.10), as depicted in para 2 of the application, is brought on record for the purpose of pursuing the present appeal only.

CM-7845-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 Birender Singh (appellant No.13), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

RFA-3308-2017

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 Ram Chander's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1794 days.

July 28, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO