

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

**RFA No.3470 of 2017 (O&M)
Date of Decision : 20.09.2017.**

Ramesh Kumar

.....Appellant

Versus

Land Acquisition Collector and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. S.S.Kaliramna, Advocate for the appellants.
Ms. Safia Gupta, AAG, Haryana
for respondents No.1 to 3.

ARUN PALLI, J. (Oral)

CM-8165-CI of 2017

For the reasons set out in the application, the delay of 1152 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM-8166-CI of 2017

This is an application for condonation of delay of 977 days in filing the accompanying appeal.

Notice in the application as also in the main case was issued to the non-applicant/respondents and Ms. Safia Gupta, AAG, Haryana, had caused appearance on behalf of respondents No.1 to 3, whereas, respondent No.4 was ordered to be served for today.

Office report indicates that dasti as also the ordinary notices issued to respondent No.4 have not been received back served or otherwise. However, learned counsel for the parties submit that as claim of the applicant-appellant against respondent No.4 (Mohar Singh) was dismissed by the reference Court itself under Order 9 Rule 2 of the Code of Civil Procedure, he need not be served. Accordingly, the service of respondent

No.4 is dispensed with.

Learned counsel for the applicant concedes that the explanation rendered in the application hardly constitute any sufficient cause. However, it is urged that the matter in issue is squarely covered by the judgment, dated 10.12.2015, rendered by this Court in RFA No.2269 of 2010 (Phool Singh and another Vs. State of Haryana 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 claimant/landowners.

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 records.

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, delay of 977 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-8164-CI-2017 in/and RFA No.3470 of 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 Phool Singh'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. 977 days.

20.09.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No