

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

**RFA No.3552 of 2017 (O&M)
Date of Decision : 01.09.2017.**

Mehnga Singh (deceased) through LR and another

.....Appellants

Versus

Collector Land Acquisition, Industries Department, Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. K.L.Kohli, Advocate for the appellants.

Ms. Lavanya Paul, AAG, Punjab
for respondents No.1 and 2.

ARUN PALLI, J. (Oral)

CM-8431-CI-2017

This is an application for condonation of delay of 5496 days in filing the accompanying appeal.

Notice in the application was issued to the non-applicant/respondents and a reply thereto has been filed.

Learned counsel for the applicants concedes, at the outset, 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 05.04.2007, rendered by this Court in RFA No.2731 of 1994 (Land Acquisition Collector, Industries Department, Punjab Chandigarh and another Vs. Parkash Kaur), 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.

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 5496 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-8432-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. Accordingly, legal representative of late Mehnga Singh, who is stated to have died on 28.06.2016, as depicted in the application is brought on record for the purpose of pursuing the present appeal only.

CM-8433-CI-2017

Allowed as prayed for.

CM-8430-CI-2017 in/and RFA No.3552 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 *Parkash Kaur's case (supra)*, the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 5496 days.

01.09.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No