

RFA No.356 of 2017

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

RFA No.356 of 2017 (O&M)

Date of Decision:08.05.2017

Smt. Mukhtiari Devi (deceased) through her LRs and others.

.....appellants

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.S.R.Hooda, Advocate for the appellants

ARUN PALLI, J. (ORAL):

CM No.991-CI of 2017

Application is allowed as prayed for.

CM No.992-CI of 2017

This is an application seeking condonation of delay of 33 days in re-filing the appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 33 days in re-filing the appeal is condoned.

CM stands disposed of.

CM No.993-CI of 2017

This is an application for condonation of delay of 713 days in filing the appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 18.02.2016, rendered by this Court in **RFA No.6809 of 2014**, titled “Raghbir and others versus State of Haryana and others”, vide which, in

the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners.

Notice.

On the asking of the Court, Ms.Safia Gupta, AAG Haryana, present in the Court, accepts notice on behalf of respondents No.1 and 2 and Mr.Pritam Saini, Advocate, accepts notice on behalf of respondent No.3. For respondents No. 4 to 19 are proforma respondents, their service is dispensed with.

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 decision 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 713 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM No.994-CI of 2017

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed, subject to all just exceptions. Consequently, legal representatives of deceased Mukhtyari Devi-appellant No.1 and Karan Singh appellant No.2 as depicted in para No.1 of the application, are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

RFA No.356 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 Raghbir'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.713 days.

08.05. 2017
raman/neenu

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No