

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

RFA No.3569 of 2017(O&M)
Date of decision: 22.08.2017

Naresh Kumar and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rakesh Nehra, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-8492-CI-2017

Allowed as prayed for.

CM-8493-CI-2017

This is an application seeking condonation of delay of 2850 days in filing the accompanying appeal.

At the outset, learned counsel for the applicants 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 an order and judgment, dated 31.08.2015, rendered by this court in RFA No.1626 of 2011 [**Puran Chand Wadhwa (deceased) through LR's v. Land Acquisition Collector and another**] 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.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the 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 2850 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-8494-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, leave is granted to the LRs of late Hukam Chand s/o Bharta (appellant No.2), who is stated to have passed away during the pendency of the reference on 16.02.2009, to institute and maintain the present appeal.

**CM-8495-CI-2017; and
RFA-3569-2017**

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 Puran Chand Wadhwa'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. 2850 days.

August 22, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO