

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

**RFA No.3988 of 2017 (O&M)
Date of Decision : 11.12.2017.**

Sukhi and others

.....Appellants

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Amit Choudhary, Advocate for the appellants.

Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI, J. (Oral)

CM-9598-CI-2017

This is an application for condonation of delay of 758 days in filing the accompanying appeal. Notice of the application was issued to the non application/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 10.12.2015, rendered by this Court in RFA No.5231 of 2014 (Bhagwan Dass Vs. State of Haryana and others), and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation to Rs.22,80,000/- per acre. However, it is urged that the reference Court, vide impugned award, had awarded only 1/4th of the compensation to the applicant/claimants, being owners.

Whereas, the balance $\frac{3}{4}$ th of the amount was ordered to be disbursed to Mohan Singh, who happened to be the tenant over the acquired land. Learned counsel for the applicants submits that neither Mohan Singh has challenged the award to assail the finding, vide which applicants were held entitled to $\frac{1}{4}$ th of the compensation nor the applicants are disputing the $\frac{3}{4}$ th of the compensation granted to the tenant i.e. Mohan Singh. In a nutshell, all what he submits is that the applicants be awarded enhancement, in terms of the, decision of this Court, in the case of Bhagwan Dass (supra), as per the share determined by the reference Court.

The factual position, as set out above, is not disputed by learned counsel for the parties.

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 758 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 that is being claimed in this appeal.

CM stands disposed of.

CM-9599-CI of 2017 in/and RFA No.3988 of 2017

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision of this Court in the case

of Bhagwan Dass (supra), the present appeal too is disposed of in the same terms. However, by way of abundant caution, it is clarified that, for, the appellants have specifically given up their claim qua compensation beyond 1/4th of the amount, they shall be disbursed the requisite amount accordingly.

11.12.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No