

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-4009-2017 (O&M)
Date of Decision: September 19, 2017

Dalip Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mohit Rana, Advocate,
for Mr. Gopal Sharma, Advocate,
for the appellants.

ARUN PALLI, J. (ORAL)

CM-9657-CI-2017:

Allowed as prayed for.

CM-9658-CI-2017:

This is an application for condonation of delay of 750 days in filing the appeal.

Learned counsel for the applicants concedes that the explanation rendered in the application hardly constitutes any sufficient cause. However, it is urged that the matter in issue is squarely covered by the order and judgment dated 31.07.2017, rendered by this Court in **RFA No. 6066 of 2015, titled “Bhagwat Sarup and others v. State of Haryana and others”**, 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/landowners.

Notice.

On the asking of the Court, Ms. Safia Gupta, Assistant Advocate General, Haryana, and Mr. Pritam S. Saini, Advocate, present in the Court, accept notice on behalf of respondent Nos. 1 & 2 and respondent Nos. 3 & 4, respectively. For, respondent Nos. 5 to 15 are alleged to be proforma party, 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 records.

In the wake of the decision of Hon'ble the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) R.C.R. (Civil) 437** and **Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) R.C.R. (Civil) 507**, delay of 750 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant/appellants shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

CM-9659-CI-2017:

Allowed as prayed for.

CM-9660-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 legal representatives of deceased Jai Kishan son of Partap, as depicted in para No. 2 of the application, who is stated to have passed away on 17.12.2012, to institute and maintain the accompanying appeal.

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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 **Bhagwat Sarup'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. 750 days.

A copy of this order be sent to the Reference/Executing Court.

(ARUN PALLI)
JUDGE

September 19, 2017
Pkapoor

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO