

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

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RFA No.4192 of 2017(O & M)

Date of Decision:29.09.2017

Sant Ram (deceased) th.LRs.

....appellants

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Ms.Meenakshi Sharma, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM-10043-CI-2017

This is an application for condonation of delay of 145 days in re-filing the accompanying appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 145 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-10045-CI-2017

This is an application for condonation of delay of 2612 days in filing the accompanying appeal.

Learned counsel for the applicant-appellants concedes that the explanation rendered in the application hardly constitute any sufficient cause. However, it is urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 08.04.2016, rendered by this court in RFA No.1956 of 2010 - State of Haryana through Land Acquisition Collector, Urban Estate, Panchkula and another v. Hans Raj and others, vide which, in the appeals arising out of the same

acquisition, this court had enhanced the compensation awarded to the landowners to ₹ 380/- per square yard.

Notice.

On the asking of the Court, Ms.Safia Gupta, AAG Haryana, present in the Court, accepts notice on behalf of respondents No.1 to 3. For, respondents No.4 and 5 are alleged to be proforma parties, their service is dispensed with.

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

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 2612 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-10046-CI-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 Bachna Ram-appellant No.1 (i) and Ram Sarup-appellant No.1(ii), as depicted in the application, are brought on record, for the purpose of pursuing the appeal only.

However, it is clarified that this order shall have no bearing upon any

dispute, pending qua the registered Wills dated 06.12.2010 and 18.08.2003, referred the application.

CM stands disposed of.

CM-10044-CI-2017 and RFA-4192-2017

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 Hans Raj'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.2612 days.

September 29, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No