

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

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RFA No.4435 of 2017(O & M)

Date of Decision:12.10.2017

Nimbu Nath (deceased) th.LRs.

....appellants

Versus

State of Haryana and another

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Amit Kumar, Advocate for
Mr.R.S.Dhull, Advocate for the appellants

ARUN PALLI, J. (ORAL):

CM-10859-CI-2017

This is an application for condonation of delay of 1685 days in filing the accompanying appeal.

Learned counsel for the appellants 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 judgement dated 26.02.2016, rendered by this Court in **RFA No.2373 of 2013**, titled “Lakhmi versus State of Haryana and another”, 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 the respondent. Copy furnished.

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

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 1685 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-10860-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 Nimbu Nath-appellant, who is stated to have died on 02.06.2010, as depicted in para No.2 of the application, are brought on record, for the purpose of pursuing the appeal only.

CM stands disposed of.

CM-10858-CI-2017 and RFA No.4435 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 Lakhmi'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.1685 days.

October 12, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No