

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

RFA No.4438 of 2017(O & M)

Date of Decision:12.10.2017

Rohtash (deceased) through LRs

....Appellant(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Bhim Singh, Advocate
for the appellants

ARUN PALLI, J. (ORAL):

CM-10869-CI-2017

Application is allowed as prayed for.

CM-10870-CI-2017

This is an application for condonation of delay of 2016 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 09.02.2016, rendered by this Court in **RFA No.1526 of 2012**, titled “Dalip Singh and another versus State of Haryana”, 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 2016 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant(s) shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM-10871-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 as mentioned in para No.4 of the application of deceased Rohtash (appellant), who is stated to have died on 15.07.2013, during the pendency of the Reference, are granted leave to institute and maintain the accompanying appeal.

CM stands disposed of.

CM-10868-CI-2017 and RFA No.4438 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 Dalip Singh's case (Supra), the present appeal is disposed of in terms of the said decision. However, the appellant(s) shall not be entitled to interest on

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the enhanced compensation for the period of delay in filing the appeal
i.e.2016 days.

October 12, 2017
neenu/pvd

(ARUN PALLI)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable- Yes/No