

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-4472-2017 (O&M)
Date of Decision: October 13, 2017

Darya and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana,
for respondent Nos. 1 and 2.

Mr. Pritam Singh Saini, Advocate,
for respondent Nos. 3 and 4.

ARUN PALLI, J. (ORAL)

CM-10988-CI-2017:

Application is allowed as prayed for.

CM-10989-CI-2017:

This is an application for condonation of delay of 2842 days in
filing the appeal.

Learned counsel for the applicants concedes at the outset 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 06.11.2015, rendered by this Court in **RFA No.**

3787 of 2009, titled “Gaje Singh and others v. State of Haryana and

another", and other connected matters, vide which the appeals arising out of the same acquisition were disposed of by this Court.

Notice.

On the asking of the Court, Mr. Shivendra Swaroop, Assistant Advocate General, Haryana, and Mr. Pritam Singh Saini, Advocate, present in the Court, accept notice on behalf of respondent Nos. 1 & 2 and respondent Nos. 3 and 4, respectively. For, respondent No. 5 is alleged to be proforma party, his 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 2842 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-10990-CI-2017:

Application is allowed as prayed for.

CM-10991-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 representative of deceased, Chand Singh son of Badlu, who is stated to have passed away on 02.07.2014, as depicted in para No. 2 of the application, to institute and maintain the accompanying appeal.

RFA-4472-2017:

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 **Gaje Singh'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. 2842 days.

**(ARUN PALLI)
JUDGE**

**October 13, 2017
P Kapoor**

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