

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

RFA No.4823 of 2017(O&M)

Date of decision: 07.11.2017

Chokider and others

... Appellant(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Parveen Kaushik, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-12066-CI-2017

Allowed as prayed for.

CM-12065-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, the LRs of late Kulbir (appellant No.7), as depicted in para 2 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-12067-CI-2017

This is an application seeking condonation of delay of 2854 days in filing the accompanying 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 an order and judgment, dated 06.11.2015, rendered by this court in RFA No.3787 of 2009 [**Gaje Singh and others v. State of Haryana and another**] and other connected cases, vide which in the appeals arising out of the same acquisition, and as regards the category

the land of the applicants belonged to, the compensation awarded to the claimant-land owners was enhanced by this Court.

Notice to the contesting respondents only.

Ms. Safia Gupta, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, present in court, accept notice on behalf of respondent No.1 and respondent Nos.2 to 4, respectively. Copies furnished.

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 record.

In the wake of the decisions 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, the delay of 2854 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-12064-CI-2017
RFA-4823-2017

For, concededly the matter in issue is squarely covered by the decision rendered by this Court in Gaje Singh's case (supra), the present appeal too is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2854 days.

November 07, 2017
raman/Rajan

(ARUN PALLI)
JUDGE

Whether speaking / reasoned : YES
Whether Reportable : NO