

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

**RFA No.512 of 2017 (O&M)
Date of Decision : 25.10.2017**

Smt. Vinod Kumari

.....Appellant

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Vaneet Kumar Sharma, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-1435-CI-2017 in/and RFA No.512 of 2017

This is an application seeking condonation of delay of 3280 days in filing the accompanying appeal.

Learned counsel for the applicant concedes, at the outset, that the explanation rendered in the application hardly constitute any sufficient cause. However, he submits that the matter in issue is squarely covered by an order and judgment dated 25.02.2009, rendered by this Court in **RFA No.3008 of 2008 (Smt. Poonam Vs. State of Haryana and another)** and other connected matters, vide which, in the appeals preferred by the claimant/landowners, the award rendered by the reference Court was set aside and the matter was remanded to the reference Court for re-decision.

Notice.

On the asking of the Court, Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of the non-applicant/respondents.

The factual position, as set out above, is not disputed by learned

counsel for the respondents.

That being so, the impugned award is set aside qua the appellant. The appeal is accordingly disposed of, in terms of the decision of this Court, in the case of **Smt. Poonam (supra)**. Parties through their respective counsel shall appear before the learned District Judge, Panchkula on 1.11.2017. It shall be the discretion of the District Judge to either decide the matter himself or assign it to any other Court of competent jurisdiction. However, it is clarified that in the event the reference Court awards enhancement to the claimant/landowner, she shall not be entitled to any interest on the enhanced compensation for the period of delay in filing the present appeal i.e. 3280 days.

CM-1436-CI-2017

Allowed as prayed for.

25.10.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

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