

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

RFA No.5372 of 2017(O&M)
Date of decision: 15.12.2017

Dharambiri and another

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Adarsh Jain, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-13376-CI-2017

This is an application seeking condonation of delay of 1934 days in filing the accompanying appeal.

Learned counsel for the applicants fairly 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 judgment, dated 03.09.2014, rendered by this court in RFA No.2075 of 2012 [**Sohan Lal and another v. The State of Haryana and others**] and other connected matters, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation as regards the village Machgar, Tehsil Ballabgarh, District Faridabad, to ₹ 1,230,- per sq. yard. So much so, he submits that the appeals preferred by both the parties against the decision of this Court have already been dismissed by the Supreme Court. Thus, the applicants are entitled to the compensation in terms of the decision of this Court in Sohan Lal's case.

Notice.

Ms. Safia Gupta, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, accept notice on behalf of respondents No.1 & 2 and respondent No.3, respectively.

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

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 1934 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-13375-CI-2017
RFA-5372-2017

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 Sohan Lal's case (supra), the present appeal 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. 1934 days.

15.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO