

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

RFA No.5432 of 2017(O&M)
Date of decision: 21.12.2017

Banwari Lal (deceased) through LRs and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Khunger, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-13534-CI-2017

This is an application seeking condonation of delay of 1017 days in re-filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay that has occurred in re-filing the accompanying appeal is condoned.

CM-13535-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 Banwari Lal (appellant No.1) and late Surja Ram (appellant No.2), as depicted in paras 4 & 6 of the application, are brought on record for the purpose of pursuing the present appeal only.

**CM-13536-CI-2017; and
RFA-5432-2017**

Learned counsel for the appellants submits that the matter in issue is squarely covered by an order and judgment, dated 22.09.2015, rendered by this Court in RFA No.9626 of 2014 [**Hanuman Singh v. 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 awarded to the claimant-landowners. However, he points out that, owing to an accidental error, a copy of the judgment in another matter

has been appended as Annexure A5, than the decision in Hanuman Singh's case. Thus, he submits that judgment (Annexure A5) be ignored.

Further, he submits that the decision rendered by this Court in Hanuman Singh's case (supra) has attained finality, for the appeals preferred by the claimant-landowners against the said decision were dismissed by the Supreme Court, whereas the State has not chosen to assail the said judgment. Therefore, the present appeal too be disposed of in terms of the decision of this Court.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the respondents.

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

I have heard learned counsel for the parties and perused the record.

For, concededly the matter in issue is squarely covered by the decision rendered by this Court in Hanuman Singh's case (supra), the present appeal is disposed of in the same terms.

(Arun Palli)
Judge

21.12.2017

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO