

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

**RFA No.647 of 2017 (O&M)
Date of Decision : 05.05.2017.**

Rohtash (deceased) through LRs

.....Appellants

Versus

State of Haryana through its Collector, Gurgaon and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : None for the appellants.

ARUN PALLI, J. (Oral)

CM No.1715-CI-2017

Allowed as prayed for.

CM No.1716-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 representatives of late Rohtash, who is stated to have passed away on 24.01.2009, during the pendency of the reference, to institute and maintain the present appeal.

CM No.1717-CI of 2017

This is an application for condonation of delay of 1593 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 31.03.2015, rendered by the Supreme Court in Civil Appeal No.3412 of 2015 (Special Leave to Appeal (C) No(s). 499 of 2015), Sachin and others Vs. State of Haryana and others.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Pritam Singh Saini, Advocate for respondent No.3.

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 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, delay of 1593 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.

RFA No.647 of 2017

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by the Supreme Court in *Sachin'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. 1593 days.

05.05.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No