

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

**RFA No.815 of 2017 (O&M)
Date of Decision : 01.05.2017.**

Nihal Singh (deceased) through LR's and others

.....Appellants

Versus

**District Revenue Officer-cum-Land Acquisition Collector, Gurgaon
and others**

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Ms. Meenakshi Sharma, Advocate for
Mr. M.L.Sharma, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.2126-CI-2017

For the reasons set out in the application, the delay of 153 days that has occurred in re-filing the accompanying appeal is condoned.

C.M. disposed of.

CM No.2127-CI of 2017

This is an application for condonation of delay of 665 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 23.09.2014, rendered by this court in RFA No.2174 of 2012 (Smt. Savitri Devi Vs. The Land Acquisition Collector, Gurgaon and others), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners whose land was situated in village Mohammadpur Jharsa to ₹57,08,000/- per acre. And the land that formed part of the revenue estate of village Harsaru and Garauli Khurd, the compensation was assessed at ₹40,80,000/- per acre. Further, she submits that in the appeal preferred against the decision of this Court i.e. 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, decided on March 31, 2015, the Supreme Court affirmed the compensation awarded to the claimants as regards village Mohammadpur Jharsa. However, as this Court while assessing the value of the land situated in village Harsaru and Garauli Khurd had imposed a cut of 40%, which the Supreme Court reduced to 30%. Thus, it is submitted that as the land owned by the applicants in this appeal was situated in village Mohammadpur Jharsa, this appeal is required to be disposed of in terms of the decision of this Court in the case of Smt. Savitri Devi (supra).

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 665 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-2128-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. Accordingly, legal representatives of late Nihal Singh, Rajbir, Hari Kishan and Phoolwati, who are stated to have died, as depicted in paragraph 2 of the application are brought on record for the purpose of pursuing the present appeal only.

RFA No.815 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 this court in Smt. Savitri Devi'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. 665 days.

01.05.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No