

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.900 of 2017 (O&M)
Date of Decision : 21.04.2017.

Basant Singh (since deceased) through his LRs and another

.....Appellants

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Vishal Aggarwal, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.2387-CI of 2017

This is an application for condonation of delay of 5583 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 17.02.2016, rendered by this court in RFA No.2902 of 1999 (Union of India and another Vs. Major Pritam Singh and another), and other connected cases, vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation uniformly ₹ 2300/- per marla.

Notice in the application.

Mr. B.S.Kanwar, standing counsel for Union of India, present in Court, accepts notice on behalf of respondents No.1 to 3, for, respondents No.4 to 7 are alleged to be proforma party, their service is dispensed with.

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 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 5583 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-2388-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 Basant Singh, who is stated to have died on 12.10.1993 as depicted in paragraph 2 of the application and legal representatives of late Mukhtiar Singh, who is stated to have died on 12.10.1993, as depicted in paragraph 3 of the application are brought on record for the purpose of pursuing the present appeal only.

RFA No.900 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 Major Pritam Singh'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. 5583 days.

21.04.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No