

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

**RFA No.94 of 2017 (O&M)
Date of Decision : 19.07.2017.**

Mange Ram (since deceased) through LR's and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Govind Rana, Advocate for
Mr. Harkesh Manuja, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.258-CI of 2017

This is an application for condonation of delay of 752 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 29.02.2016, rendered by this court in RFA No.8073 of 2014 (Phool Singh and others Vs. 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 claimants/landowners.

Notice in the application.

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 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. LR's. v. Haryana State and others*, 2015

(2) RCR (Civil) 507, delay of 752 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-259-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 Mange Ram, who is stated to have passed away on 28.8.2011, during the pendency of the reference, to institute and maintain the present appeal. It is clarified that this order shall have no bearing if any dispute qua the registered will dated 18.01.2008, is pending before any Court.

RFA No.94 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 Phool 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. 752 days.

19.07.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No