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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 106/2015 & CM No.3627/2015**

UNION OF INDIA

..... Appellant

Through: Mr.Deepak Khosla, Advocate and
Ms.Jyoti Tyagi, Advocate, proxy for
Mr.Yeeshu Jain, Advocate for UOI.

versus

PANCHO DEVI & ANOTHER

..... Respondents

Through: Ms.Himanshi Mishra, Advocate
proxy for Mr.Kunal Sharma,
Advocate for R-2/DDA.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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16.01.2017

1. The respondent No.1 Pancho Devi, claiming herself to be owner/bhumidar in the land (as detailed in para 1 of the reference) situated in the revenue estate of Village Shahbad Daulatpur, filed LAC reference No.282A/2012 for enhancement of compensation awarded vide Award No.29/2002-03.

2. The reference was disposed of vide impugned order dated 10th September, 2013 fixing the market value of the land @ ₹12,96,455.89 per acre as such giving an enhancement of ₹80,455.89 per acre with other statutory benefits as referred to in para 16 of the impugned order.

3. The instant LA.APP.No.106/2015 has been preferred by the appellant/UOI impleading Smt.Pancho Devi as respondent No.1 and DDA as respondent No.2. No relief has been claimed against respondent No.2/DDA.

4. At the time when appeal was filed, even Court fee was deficient and also accompanied by applications seeking condonation of delay of 149 days in filing and delay of 267 days in re-filing the appeal. On 9th May, 2016 the delay in filing and re-filing the appeal was condoned.

5. On notice of the appeal being sent to respondent No.1 Smt.Pancho Devi (the only contesting respondent) for the date of hearing 09th May, 2016, process received back with the report that the respondent had expired a year ago and her family had also shifted from that place. The factum of contesting respondent being dead was duly recorded in the proceedings dated 09th May, 2016 giving opportunity to the appellant/UOI to file appropriate application for substitution of legal heirs of respondent No.1.

6. Till date no application has been filed by the appellant/UOI to bring on record the legal heirs of respondent No.1. Since morning the case has been taken up thrice and every time proxy counsel for the appellant has appeared. At the first call Mr.Deepak Khosla, Advocate, at the second call Ms.Jyoti Tyagi, Advocate and at the third call one lady advocate (appearance not given) have appeared as proxy counsel for the appellant. For not filing the application to bring on record the legal heirs of respondent No.1, no reason has been given by either of them.

7. Even if the period of ninety days is calculated from the date when the factum of death of respondent no.1 came/brought to the knowledge of appellant/UOI, in the absence of any application being filed till date, this Court is left with no option but to record that the appeal stands abated.

PRATIBHA RANI, J.

JANUARY 16, 2017/ 'st'