

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

**RFA No.1093 of 2017 (O&M)
Date of Decision:09.03.2018**

Smt. Phoolwati and anotherAppellants

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. R.C. Gupta, Advocate
for the appellants.

Ms. Safia Gupta, AAG, Haryana
for respondent Nos.1 and 2.

G.S. SANDHAWALIA, J. (ORAL)

CM-1959-CI-2018

Application for substituted service of respondent No.3 has been filed. However, counsel for the applicant-appellant submits that service upon respondent No.3 need not be necessary since the claim for apportionment was given up before the Reference Court itself and the Reference Court while recording its findings on issue No.1 has observed that the petitioners (appellants herein) had made a statement for withdrawal of their claim against respondent No.3.

Keeping in view the above statement, the name of respondent No.3 is struck off from the array of parties.

RFA-1093-2017:

Counsel for the appellants submits the Reference Court had granted compensation at the rate of Rs.439/- per square yard i.e. Rs.21,24,760/- per acre vide the award dated 19.05.2012 after enhancing it

from Rs.4 lakh per acre. It is submitted that the Apex Court in case **Balbir Singh @ Balbir and others Vs. State of Haryana & others, 2017 (1) Scale 568** has further enhanced the amount to Rs.500/- per square yard regarding the notification dated 02.01.2002. Relevant portion reads as under:

“11. We have heard learned counsel for the parties to the lis and carefully perused the records.

12. In the peculiar facts and circumstances of these cases, we are of the considered opinion that the amount awarded by the Reference Court be enhanced to Rs.500/- per square yard with all other statutory benefits from the date of the order passed by the High Court.

13. The appeals are allowed to the extent indicated above. No order as to costs.

Ordered accordingly.”

Counsel for the State also does not dispute the said ground.

Accordingly, the present appeal is allowed and the landowners are held entitled for the compensation at the rate of Rs.500/- per square yard. However, it is clarified that the benefits of interest of 1430 days will not be granted to the appellants since there was delay in filing the appeal in the first instance, therefore, the said delay was condoned with the said condition vide order dated 07.02.2018.

09.03.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No