

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

**RFA No.2044 of 2017 (O&M)
Decided on : 15.10.2018**

Nand Kishore & others

... Appellants

Versus

State of Haryana & another

... Respondents

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

Present : Mr.S.S.Kaliramna, Advocate, for the applicant/appellants.

G.S. Sandhawal, J. (Oral)

CM-9352-CI-2018 & CM-5353-CI-2017

Applications has been filed for bringing on record legal representatives of appellant No.3-Jagdev, who is stated to have expired on 29.07.2013, and appellant No.5-Narain Singh, who is stated to have expired on 23.02.2009, leaving behind their legal representatives, as mentioned in paras No. 2 & 3, respectively, of the application.

Accordingly, in view of the averments made in the applications, duly supported by affidavit of Vinay Kumar, son of the deceased-appellant No.3-Jagdev and in view of the Will dated 26.02.2013, in favour of the sons, which has now been placed on record and without commenting upon the validity and veracity of the Will, same are allowed. The legal representatives, as mentioned in paras No.2 & 3 of the application are allowed to be brought on record, only for the purpose of pursuing the present litigation.

CMs stand disposed of.

CM-5322-CI-2017

Application has been filed for condoning the delay of 1543 days in filing the present appeal on the ground that the appeal was filed on 19.02.2013 with the delay of 44 days and certain objections had been raised by the office and the same was returned on 11.03.2013. The file had wrongly been placed along with the admitted cases in the office of the counsel for the applicant/appellants and thereafter, the client had not enquired about the next date and on filing, the Clerk of the counsel had recollected that the appeal was to be re-filed and the delay of 1543 days in filing the appeal has, thus, occurred. The filing was in a bunch and due to this reason, the delay had occurred and the mistake is unintentional.

Notice of the application.

Mr.Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents.

It is pointed out that the matter is covered by the judgment of the Apex Court in CA-11814-11864-2017 titled *State of Haryana & others Vs. Ram Chander & others*, decided on 05.09.2017.

Accordingly, in view of the averments made in the application, duly supported by affidavit, the delay of 1543 days in filing the appeal is, hereby condoned, as sufficient cause is made out.

CM stands disposed of.

RFA-2044-2017

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, is directed against the award dated 12.11.2012 of

the Reference Court, Gurugram, for the land falling in Village Kherki Majra Dhankot, which had been acquired for public purpose, namely, for the development & utilization of the land for 150 mts. wide periphery road linking Dwarka Township Delhi from Haryana boundary to National Highway No.8 near the Village Kherki Daula at Gurugram. For the notification under Section 4 dated 25.01.2008, the Reference Court has granted compensation of Rs.1,26,00,000/- per acre, enhancing it from Rs.60,00,000/-, as awarded by the Land Acquisition Collector.

Counsel for the appellants submits that the matter is covered by the judgment rendered in RFA-4475-2012 titled Ram Chander & another Vs. State of Haryana & others, decided on 20.05.2016, wherein for the land in the said village, a sum of Rs.2,80,00,000/- per acre was assessed as the market value.

Mr.Swaroop points out that the Apex Court has modified the said order on 05.09.2017, by granting 15% reduction and the said amount would come to Rs.42,00,000/- and the market value would come to Rs.2,80,00,000/- per acre along with statutory benefits.

Accordingly, keeping in view the above, the present appeal is allowed, to maintain parity. The landowners shall be entitled for a sum of Rs.2,80,00,000/- per acre along with statutory benefits.

October 15th, 2018
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*