

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

RFA No. 1273 of 2018 (O & M)

Date of decision: 23.04.2018

Gobinder Singh and others

....Appellant(s)

Versus

State of Punjab and another

...Respondent(s)

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

Present: Mr. K.S. Lakhanpal, Advocate,
for the appellants.

G.S.SANDHAWALIA, J. (Oral)

The present appeal has been filed against the award dated 01.06.1994 passed by the Reference Court, Patiala. The appeal is barred by delay of 8606 days in filing. The ground is that the services of one counsel namely Sh. Bhagwati Prasad Singla were taken for filing the appeal and they were under bona fide belief that the appellants shall be informed about the status of their case as and when it is decided.

The notification under Section 4 of the Land Acquisition Act, 1894 is dated 02.02.1989 for the purpose of construction and extension of Balamgarh Minor. It is pertinent to notice that originally there were 9 petitioners before the Reference Court and out of them, three of them namely Harnek Singh S/o Pritam Singh expired on 12.11.2001, Harnek Singh S/o Mehar Singh expired on 22.04.2013 and Ranjit Singh S/o Mehar Singh expired on 06.09.1999 and application has also been filed to bring on record their legal representatives.

It is, thus, apparent that some of the legal representatives of the deceased land owners also never chose at any stage to make any inquiries

from the counsel as to what was the status of the alleged appeal which was to be filed in this Court and to bring the legal representatives on record. The hollowness of the claim in the application for condonation of delay is further exposed by the fact that the appeal has only been filed on account of a decision in ***RFA No. 2903 of 1994 on 11.01.2018, State of Punjab and another vs. Ramji Dass (D) through L.Rs. and others*** wherein, this Court granted the benefit of solatium and interest and allowed the cross objections of land owners by holding that the land owners should be entitled to statutory benefits under Section 23(1-A) and 23(2) of the Act.

It is, thus, apparent that in order to get benefit of the said judgment, the laconic explanations have been given regarding of the alleged sufficient cause to get the delay of 24 years condoned. The law of limitation is not to be thrown out of window and it is settled principle that the law is for the vigilant and not for those who sleep over their rights.

The Apex Court in ***Mewa Ram (D) through L.Rs. vs. State of Haryana, 1986 (3) SCR 660*** declined to give the benefit of condonation even where connected appeals were pending and there was a delay of 3 years. The colossal delay of 2-1/2 decades, in such circumstances, is not liable to be condoned. The relevant portion in *Mewa Ram's case (supra)* reads thus:-

“4.....*The petitioners had all applied for reference under s.18 of the Act and the civil court by adopting a different basis for computation, namely, treating the land to be potential building site, substantially enhanced the amount of compensation. On appeal, there was further enhancement by the High Court. The petitioners have withdrawn large sums of money at each stage. For instance, the petitioner Mewa*

Ram withdrew on February 6, 1976 consequent upon the award of the Land Acquisition Collector Rs.1,19,000, an additional sum of Rs.28,938.20p. On March 23, 1978 after the judgment of the learned Additional District Judge, and Rs.2,75, 105.42p. after the judgment of the High Court between December 11, 1981 and February 13, 1982. The judgment of the High Court not having been appealed from has admittedly become final. Evidently, the petitioners felt satisfied with the enhanced amount of compensation as awarded by the High Court @ Rs.12.25 per square yard because they did not apply for grant of special leave under [Art. 136](#) of the Constitution for more than three years. Merely because this Court in the two cases of Paltu Singh and Nand Kishore enhanced the rate of compensation to Rs.17.50 per square yard, could not furnish a ground for condonation of delay under [s. 5](#) of the Limitation Act.

5. *Furthermore, there is no provision in the Act apart from [s. 28A](#) for reopening of an award which has become final and conclusive. No doubt [s. 28A](#) now provides for the redetermination of the amount of compensation provided the conditions laid down therein are fulfilled. For such redetermination, the forum is the Collector and the application has to be made before him within thirty days from the date of the award, and the right is restricted to persons who had not applied for reference under [s. 18](#) of the Act. If these conditions were satisfied, the petitioners could have availed of the remedy provided under [s. 28A](#) of the Act. In that event, [s. 25](#) would ensure to their benefit. Any other view would lead to disastrous consequences not intended by the Legislature.*

Accordingly, the application for condonation of delay as well

as the main appeal and the application for impleading legal representatives are dismissed.

23.04.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No