

**CM-8411-C-2015 in/and
RSA-3471-2015**

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

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**CM-8411-C-2015 in/and
RSA-3471-2015
Date of Decision : 23.1.2018**

**MARKET COMMITTEE SHAHBAD AND OTHERS
....PETITIONERS**

VS

**MANGAT RAM (SINCE DECEASED) THROUGH LRS.
LEELAWATI AND ORS.**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anil Chawla, Advocate
for the appellants.

Mr. Vivek Aggarwal, Advocate
for the respondents.

AJAY TEWARI, J.(Oral)

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This is an application for condonation of delay of 508 days. The ground taken is that after the decision of the lower Appellate Court the respondent had filed an appeal before the Chief Administrator of the appellant and it was to await the decision of that appeal the time elapsed. In reply it had been mentioned that no appeal was filed by the respondent rather the respondent had only written a letter to the appellants stating that he was ready to deposit the amount as mandated by the judgment and decree of the lower Appellate Court. This fact has

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not been denied by the appellant. In the circumstances, there is no explanation for the delay of 508 days. Application for delay is therefore liable to be dismissed.

Main case

Even on merits it is not disputed that by judgment dated 6.2.2010 passed in CWP No. 1122 of 2003 tilted as “Raksha Rani vs. HSAMB and others and other connected cases” this Court has held that in the circumstances which prevail in the present case also the appellant would be entitled to charge extension fee with effect from 1998 and not 1987 which was challenged by way of LPA No. 502 of 2012 and connected cases but the same become final as LPA stands disposed of.

In the circumstances, even on merits there is no case in favour of the appellant. The appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

23.1.2018
anuradha

(AJAY TEWARI)
JUDGE

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