

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

**RFA No.2479 of 2018 (O&M)
Decided on : 31.07.2018**

Suresh Kumar and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. B.K. Bagri, Advocate
for the appellants.

G.S. Sandhawalia, J. (Oral)

Exemption application

Allowed as prayed for.

CM-5444-CI-2018

The present application has been filed for impleading the legal representatives of the deceased Rajender Kumar-appellant No.2, who had expired on 03.08.2009. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Shiv Kumar son of deceased Rajender Kumar.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-5445-CI-2018

The present application has been filed for impleading the legal representatives of the deceased Shri Ram-appellant No.5, who had expired on 03.07.2007. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Kuldeep Singh son of deceased Shri Ram.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-5446-CI-2018

The present application has been filed for impleading the legal representatives of the deceased Kanwar Singh-appellant No.7, who had expired on 14.05.2012. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Satbir son of deceased Kanwar Singh.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs.

as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-5447-CI-2018

The present application has been filed for impleading the legal representatives of the deceased Shanti-appellant No.12, who had expired on 02.02.2008. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Satbir son of deceased appellant Kanwar Singh

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

CM-5443-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 2139 days in filing the present appeal against the award of the Reference Court, Rewari dated 23.09.2011 has been filed. It has been averred that the matter is covered by the judgment passed in RFA No.824 of 2012 'Smt. Bhagwani and others Vs. State of Haryana

and others' decided on 05.02.2016, whereby the amount has been enhanced from ₹20 lakhs to ₹29,31,174/- per acre.

Notice of the application.

Ms. Vibha Tewari, AAG, Haryana accepts notice on behalf of the respondents-State. Copy has been supplied to her.

Accordingly, keeping in view the averments made in the application, duly supported by affidavit and in view of the fact that the interest of the State can be protected by denying the appellant the benefit of interest for 2139 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others' 2014 (14) SCC 133** and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others' 2015 (1) SCC (Civil) 236**, the application is allowed. The delay of 2139 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') arises out of notification dated 06.07.2006 issued under Section 4 of the Act. This Court in Smt. Bhagwani and others (supra) has given the uniform rate of compensation. The relevant part of the order dated 05.02.2016 reads as under:-

“Land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.29,31,174/- per acre from the date of notification under

Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all the aforesaid appeals stand disposed of, in the above-said terms, however, with no order as to costs.”

Accordingly, the present appeal is also allowed in the same terms. The land owners are held entitled for the compensation @ ₹29,31,174/-per acre along with other statutory benefits. However, it is clarified that the appellants shall not be entitled for interest on the enhanced compensation for the delay period of 2139 days in filing the appeal.

JULY 31, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No