

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RFA No.274 of 2018 (O&M)

Date of Decision:22.01.2018

Smt. Kamla Devi

...Appellant

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Gulshan Nandwani, Advocate
for the appellant(s).

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

CM-742-CI of 2018

Application for treating the present appeal as an urgent case being a covered case in view of RFA No.3341 of 2011 titled as '*Lala Ram Vs. State of Haryana and others*', decided on 29.01.2016 (Annexure A-1), is allowed as prayed for.

CM stands disposed of.

CM-743-CI of 2018

Application for dispensing with filing of true typed copies of main award and short award dated 09.02.2011, has been filed. In view of the averments made therein and duly supported by affidavit, the same is allowed.

CM stands disposed of.

CM-744-CI of 2018

Application has been filed under Section 5 of Limitation Act, 1963 read with Section 151 of CPC for condonation of delay of 2443 days in filing the appeal. Counsel for the appellant submitted

that the matter is already covered by the judgment passed by this Court in *Lala Ram Vs. State of Haryana and others* which has been upheld by the Apex Court vide order dated 03.10.2016 in Special Leave to Appeal(C) ..CC Nos.18231 to 18323 of 2016.

The ground is that this Court has enhanced the compensation awarded from Rs.1700/- per square yard to Rs.4044/- per square yard as per notification dated 06.01.2006.

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

The factual position has not been disputed. Accordingly, in view of the judgment of the Apex Court in *Imrat Lal and others Vs. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (deceased) through LRs Vs. Haryana State and others, 2015 (2) RCR (Civil) 507*, the delay of 2443 days is condoned. However, it is made clear that for the period of delay in filing the appeal, the appellant-landowner shall not be entitled to any interest on the enhanced compensation.

RFA No.274 of 2018

In view of the submissions, this Court has enhanced the compensation and fixed the market value as under vide judgment dated 29.01.2016:

“The appeals filed by the land owners are partly allowed to the extent indicated above. The land owners, in all these cases, are held entitled to receive the compensation @Rs.4044/- per square yard for their acquired land, from the date of notification under Section 4 of the Act. Besides this, the

land owners shall also be entitled for all other statutory benefits available to them under the relevant provisions of the Act. Resultantly, with the observations made above, all these appeals stand disposed of, in the above-said terms, however, with no order as to costs”.

The present appeal is also disposed of in the same terms being squarely covered by the decision of this Court in Lala Ram's case (supra). The appellant-landowner, however, shall not be entitled to interest on the enhanced compensation for the period of delay of 2443 days in filing the appeal.

(G.S. SANDHAWALIA)
JUDGE

22.01.2018
pvd

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