

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

RFA-2927-2018 (O&M)
Date of decision: 10.07.2018

Basanti

....Appellant

Versus

State of Haryana & others

...Respondents

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

Present: Mr.S.S.Khurana, Advocate, for the applicant/appellant.

G.S. SANDHAWALIA, J. (Oral)

CM-6398-CI-2018

Allowed, as prayed for.

CM-6397-CI-2018

Application has been filed for condoning the delay of 3108 days in filing the present appeal, against the award dated 30.09.2009, passed by the Reference Court, Rewari, whereby the market value of the land falling in Village Padiawas, had been enhanced to Rs.20 lacs per acre against the amount of Rs.12.5 lacs per acre, as awarded by the Land Acquisition Collector.

This Court in RFA-463-2010 titled *Raghunath Vs. State of Haryana & others*, decided on 09.12.2010 (Annexure A-1) had declined to enhance the said amount awarded.

Counsel for the applicant/appellant has submitted that in CA-4555-2011 titled *Hukam Singh & others Vs. Land Acquisition collector & others*, decided on 11.12.2014(Annexure A-2), qua the notification dated 27.01.2003, an additional amount of Rs.1,00,000/- per acre had been granted. Relevant portion of the judgment reads as under:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 RFA-2927-2018 (O&M)

-2-

“13. In our considered opinion, the compensation so awarded by the Reference Court and confirmed by the High Court appears to be on the lesser side. Therefore, keeping in view the peculiar facts and circumstances of the case, and also other factors, we enhance the compensation in favour of the appellants-claimants by another Rs.1,00,000/- per acre, which is inclusive of all statutory benefits.”

Notice of the application.

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

Accordingly, in view of the averments made in the application that the amount was withdrawn by the appellant only on 20.03.2018, who is stated to be an old lady of 82 years of age and the fact that the interest of the State can be safeguarded by denying the interest element, keeping in view the judgments of the Apex Court in *Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507*, the present application is allowed and the delay of 3108 days in filing the appeal is, hereby condoned.

RFA-2927-2018

The present appeal stands allowed, in terms of the decision in **Hukum Singh's** case (supra). However, the appellant shall not be entitled for the interest element, for the said period of delay.

10.07.2018

Sailesh

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

(G.S. SANDHAWALIA)
JUDGE