

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

**RFA No.4577 of 2018 (O&M)
Decided on : 15.11.2018**

Geeta Devi (now deceased) through her L.Rs and others

... Appellants

Versus

State of Haryana and others

... Respondent

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

Present : Mr. Gulshan Nandwani, Advocate
for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-10871-CI-2018

Exemption application is allowed, as prayed for.

CM stands disposed of.

CM-10872-CI-2018

The present application has been filed for impleading the legal representatives of the deceased appellant-Geeta Devi, who had expired on 28.11.2017. 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 Sanjay Kumar son of deceased Geeta Devi.

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-10869-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 2744 days in filing the present appeal has been filed.

Notice of the application.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the respondents-State. Copy of the paper-book has been supplied to him.

Accordingly, keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 2744 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 2744 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal (O&M)

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 is directed to challenge the Award dated

09.02.2011 passed by the Reference Court, Rewari, whereby the market value of the land had been fixed @ ₹1,700/- per square yard.

Learned counsel for the appellant contended that in **RFA No.3341 of 2011 'Lala Ram Vs. State of Haryana and others'**, decided on 29.01.2016 (Annexure A-2), the amount has been enhanced by this Court to ₹4,044/- per square yard.

Mr. Shivendra Swaroop, AAG, Haryana has been fair enough to concede that the matter has been upheld to the Hon'ble Apex Court in **SLP No.18231 to 18323 of 2016** decided on 03.10.2016.

Keeping in view the above, the present appeal is also allowed to maintain parity and the landowners are also held entitled to ₹4,044/- per square yard alongwith all statutory benefits. It is made clear the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the delay period of 2744 days.

NOVEMBER 15, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No