

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RFA No.932 of 2018 (O&M)

Date of Decision:27.04.2018

JARNAIL KAUR (NOW DECEASED) THROUGH LRs AND OTHERS

....Appellants

Versus

STATE OF HARYANA AND OTHERS

..Respondents

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

Present: Mr.Jagram Singh Cooner, Advocate for the applicant-
appellants.

G.S. SANDHAWALIA, J. (ORAL)

CM No.2446-CI-2018

Application for condonation of delay of 3732 days has been filed on the ground that vide common award dated 11.09.2007, the Reference Court Ambala has dismissed the reference filed by the appellant alongwith other land owners. Appellants had filed RFA No.3010 of 2008 with regard to LAC No.19 of 2004/2005 but inadvertently in LAC No.21 of 2004/2005 the appeal had not been filed. When the above said RFA was allowed on 8.7.2015 awarding compensation of Rs.198/- per sq yard for Village Tundli, the appellants had applied for the certified copy on 15.02.2018 and the same was prepared on 9.3.2018 and delivered on 13.03.2018 and there after the present appeal has been filed on 22.03.2018 leading to the delay.

In view of the peculiar facts and circumstances, it is held out that there is lapse as such in filing the instant appeal. Reasonable cause has been made as such to condone the delay and interest of the State can be protected, in wake of the decisions of the Hon'ble Supreme Court in **Imrat**

Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507. Accordingly, the delay of 3732 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal, the applicants shall not be entitled to any interest on the enhanced compensation for the above said period.

CM stands disposed of.

Main appeal

As noticed above, the impugned order has already been modified in RFA No.3010 of 2008 and 1590 of 2011 on 8.7.2015 titled “*Baljinder Singh and others Vs. State of Haryana and others*” fixing the market value @ Rs.198/- per sq. yard alongwith statutory benefits. The relevant part of the judgement reads as under:-

“Accordingly, the appeals filed by the land owners of village Janetpur and Tundla are dismissed, whereas the appeals filed by the land owners of village Tundli are allowed. The land owners of village Tundli are also entitled to receive compensation by treating the market value of all kinds of land as Rs.198/- per square yard. The said land owners would also be entitled to receive statutory benefits as admissible under Section 23 (1-A), 23 (2) and 28 of the Act.”

Accordingly, the present appeal is also disposed of in view of the above said terms and with the condition that interest for the period of the delay will not be payable.

27.04.2018
raman

(G.S. SANDHAWALIA)
JUDGE

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