

\$~6&7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 436/2015, CM No.26096/2015 (for condonation of 203 days delay in re-filing) and CM No.26098/2015 (for condonation of 3072 days delay in filing).

SUKHBIR SINGH

..... Appellant

Through: Mr. L.B. Rai and Mr. Mohit Kumar
Sharma, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.
Mr. Sanjay Kumar, SSO (Legal),
DMRC.

AND

LA.APP. 473/2015, CM No.30381/2015 (for condonation of 1943 days delay in filing) and CM No.30382/2015 (u/O XXII R-3 CPC).

SURAT SINGH (DECEASED) THR LRS

..... Appellant

Through: Mr. L.B. Rai and Mr. Mohit Kumar
Sharma, Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Yeeshu Jain, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

03.08.2018

1. These appeals, both under Section 54 of the Land Acquisition Act, 1894, impugn the judgment and decree dated 1st September, 2005 and 16th April, 2010 in LAC No.28/2004 and LAC No.88/09/2007 of the Courts of Additional District Judge, Tis Hazari Courts, Delhi and Additional District Judge (West-5), Tis Hazari Courts, Delhi respectively, both on a reference under Section 18 of the Act with respect to compensation of land acquired in village Mundka.

2. The appeals are accompanied with applications for condonation of delay of 3072 and 1943 days respectively in filing thereof and also for condonation of 203 days delay in refiling of LA.APP. 436/2015.
3. The counsel for the appellants in both the appeals and the counsel for the respondent no.1 Union of India (UOI) state that the compensation with respect to other land acquired vide the same notification and award has been determined by this Court in LA.APP. No.784/2005 titled ***Jamna Vs. Union of India*** decided on 8th July, 2011 and the compensation has been enhanced to Rs.11,97,162/- per acre for Category-A land and Rs.9,65,361.60p per acre for Category-B land.
4. The counsels state that there is no dispute in these appeals as to categorisation.
5. The counsels, on enquiry state that no appeals by either side before the Supreme Court with respect to the aforesaid land are pending.
6. The counsels also state that these appeals were preferred after the judgment in ***Jamna*** supra.
7. Though the counsel for the respondent states that there is long delay in preferring the appeals and the appellants have been lackadaisical in exercising their rights, but considering the principle of parity, subject to the appellants in each of the appeals paying costs of Rs.25,000/- to the counsel for the respondent no.1 UOI within three weeks of today and further subject to condition that the appellants shall not be entitled to interest on the enhancement for the period of delay, the delay in filing/refiling is condoned.
8. CMs No.26096/2015 & 26098/2015 in LA.APP. No.436/2015 and CM No.30381/2015 in LA.APP. No.473/2015 are disposed of.

9. CM No.30382/2015 in LA.APP. 473/2015, for substitution of the legal representatives of the appellant is allowed and the persons shown in the memo of parties are ordered to be substituted in place of the deceased appellant.
10. CM No.30382/2015 is disposed of.
11. The appeals are disposed of, enhancing the compensation for the land of the appellants in terms of *Jamna* supra but with the rider that the appellants shall not be entitled to interest on enhancement for the period of delay.
12. Decree sheet be drawn up subject to payment of costs within six weeks.

RAJIV SAHAI ENDLAW, J

AUGUST 03, 2018
'pp'..