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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 386/2015, CM No.19882/2015 (u/O XXII R-3 CPC), CM No.19883/2015 (for condonation of 1982 days delay in filing the application u/O XXII Rule 3), CM No.19884/2015 (for condonation of 2101 days delay in filing the appeal) & CM No.19885/2015 (for condonation of 1416 days delay in re-filing the appeal)

NATHIA (DECD) THR LRS

..... Appellant

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

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.09.2018

1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment and decree in a Reference under Section 18 of the Act and seeks further enhancement in compensation.
2. The appeal is accompanied with applications for condonation of delay of 2101 days in filing and 1416 days in re-filing thereof. The appeal is also accompanied with an application for substitution of heirs of deceased appellant and is listed next on 11th September, 2018.
3. The counsel for the respondent no.1 Union of India (UOI) on request of this Court to furnish particulars of 'covered' matters pending consideration, furnished the particulars and the Registry was directed to list the said matters in the cause list in the category of 'After Notice Miscellaneous Matters'. The Court Master was also directed to telephonically inform the

Advocates for the private parties of the matters so ordered to be listed.

4. The counsel for the appellants appears.

5. The counsel for respondent no.1 UOI states that this matter pertains to land acquired in village Mundka, compensation with respect to which was determined vide Award No.2/1999-2000.

6. Both the counsel for the appellants and the counsel for respondent no.1 UOI state that the compensation with respect to other land acquired vide the same notification and award has been determined in ***Jamna Vs. Union of India*** 2011 SCC OnLine Del 2767.

7. The counsel for the respondent no.1 UOI however states that the appellants have preferred this appeal after four years of pronouncement of ***Jamna*** supra and are not entitled to benefit of enhancement granted in ***Jamna*** supra. It is also contended that there is also a delay in applying for substitution of LR's.

8. In the spirit of principle of parity enshrined in Section 28A of the Act, it is deemed appropriate to condone the delays aforesaid subject to the appellants paying costs and subject to the appellants being not entitled to interest on enhancement for the period of delay.

9. Accordingly, the delays are condoned and the legal heirs as disclosed in the application are ordered to be substituted in place of the appellants.

10. CMs No.19882/2015, 19883/2015, 19884/2015 & 19885/2015 are disposed of.

11. The appeal is allowed and the compensation is enhanced in terms of dicta of this Court in ***Jamna*** supra.

12. However, the appellants shall not be entitled to interest on the enhancement for the period of delay of 2101 days in filing and 1416 days in re-filing of the appeal.

13. Decree sheet be prepared subject to the appellants paying costs of Rs.30,000/- to the counsel for the respondent no.1 UOI within four weeks hereof.

Trial court record, if requisitioned, be returned.

14. The date already given of 11th September, 2018 is cancelled.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 05, 2018

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