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

+ LA.APP. 208/2016 & CMs No.29568/2016 & 29569/2016 (for condonation of delay of 1933 days in filing and 53 days in re-filing of the appeal respectively)

JAMNA (DECEASED) THROUGH LRS Appellant
Through: Mr. Paritosh Tomar, Adv.

Versus

UNION OF INDIA & ANR Respondents
Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs. for R-1/UOI.
Ms. Mrinalini Sen and Ms. Nihaarika
Jauhari, Adv. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.08.2018

1. This matter was pending at the stage of admission awaiting the outcome of the reference made to the Full Bench vide order dated 6th September, 2016 in LA. APP. 672/2011. The judgment on the reference has since been passed on 13th April, 2018.

2. However, while hearing another matter, the counsel for the respondent Union of India (UOI) was requested to furnish particulars of “covered” matters pending for consideration.

3. The counsel for the respondent UOI, in pursuance thereto had 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 private parties of the matters so ordered to be listed.

4. In accordance with the said direction, this matter was listed on 8th August, 2018 along with certain other matters but on which date, time did not permit the matter to be considered and the matters were adjourned to today.

5. The counsel for the appellant appears.

6. The counsel for the respondent UOI states that this matter pertains to land acquired in Village Bamnoli, compensation with respect to which was determined vide Award No. 1/2007-2008 and that in appeals preferred by others whose land was acquired vide the same Notification and Award, the compensation has been enhanced and the matter stands settled vide order of the Supreme Court in Civil Appeal No.10982-11033/2014 titled ***Charan Singh & Ors. Union of India & Anr.*** It is however stated that there is a delay of 1933 days in preferring this appeal and 53 days delay in re-filing thereof and the appellant being a fence-sitter is not entitled to the benefit of the enhancement given to others.

7. The counsel for the appellant confirms that the matter is covered as aforesaid.

8. In the spirit of the principle of parity, it is deemed appropriate to condone the delay in filing and re-filing the appeal, subject to the appellant paying costs of Rs.20,000/- to the counsel for the respondent UOI and further subject to the appellant being not entitled to interest for the period of delay.

9. CMs No.29568/2016 and 29569/2016 are disposed of.
10. The appeal is allowed; the compensation is enhanced in terms of *Charan Singh* supra.
11. The appellant shall however not be entitled to interest for the period of delay.
12. Decree sheet be drawn up subject to the costs aforesaid being paid within four weeks.

RAJIV SAHAI ENDLAW, J.

AUGUST 14, 2018

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