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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 134/2018, CM No.30994/2018 (for stay), CM
No.30995/2018 (for condonation of 81 days delay in filing the appeal)
& CM No.30996/2018 (u/S 149 CPC)
UNION OF INDIA Appellant

Through: Mr. C. Kannan, Adv.

Versus

SHEELA DEVI & ORS Respondents
Through: Mr. Sanjeev Sabharwal & Mr. Hem
Kumar, Advs. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **03.08.2018**

1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment [dated 7th February, 2018 in LAC No.115A/2015 (New Case No.671/2016) of the Court of Additional District Judge, Rohini] in a reference under Section 18 of the Act, with respect to acquisition of land of the respondent no.1 in village Shahbad, Daulatpur.

2. The counsel for the appellant states that the Reference Court has determined the compensation following *Hem Chander Malik Vs. Union of India* 2011 SCC OnLine Del 4111. It is also stated that Special Leave Petition (Civil) No.26987/2012 preferred to the Supreme Court against the *Hem Chander Malik* supra of this Court was dismissed on 30th October, 2015. It is thus stated that there is no merit in this appeal and it be dismissed.

3. On enquiry, as to why this appeal was preferred if there was no merit therein, it is stated that the counsel for the appellant while filing the same was not aware of the order dated 30th October, 2015 of the Supreme Court.

4. This appeal is accompanied not only with an application for condonation of delay of 81 days in filing thereof but also with an application for extension of time for payment of court fees on the appeal and the appeal has been filed without court fees.

5. I have enquired from the counsel for the appellant that if this is the position then even if the appeal is to be dismissed, first the court fees will have to be paid and whether not it is more appropriate for the appellant to simply withdraw the appeal.

6. Mr. C. Kannan, advocate for the appellant states that he is not the main counsel and the main counsel is Mr. V. Balaji who is not available and he will have to take instructions.

7. On the aforesaid aspect, no instructions are required to be taken.

8. Once the appellant also admits that there is no merit in the appeal, it is appropriate that the appellant does not waste money on the court fees on the appeal.

9. In this view of the matter, extension of time for payment of court fees is refused and resultantly the appeal is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 03, 2018

‘gsr’..