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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 283/2016 & CMs No.37914/2016 & 37915/2016 (for
condonation of delays of 2187 days in filing and 12 days in re-filing the
appeal respectively)
JAGBIR SINGH Appellant
Through: Mr. Saurabh Kumar Tuteja, Adv.
Versus
UNION OF INDIA & ANR Respondents
Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advvs. for UOI.

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 consideration before the Court.
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. Mr. Saurabh Kumar Tuteja, counsel for the appellant states that he is not the main counsel and the main counsel Mr. Randhir Kumar, Advocate is on the way.
6. The counsel for the respondent UOI states that this matter pertains to land acquired in Village Pooth Khurd, compensation with respect to which was determined vide Award No. 19/2002-2003 and though the compensation with respect to land subject matter of this appeal is covered by the judgment of this Court vide judgment dated 23rd August, 2011 in LA.APP. No.266/2008 titled ***Jai Singh Vs. Union of India and Anr.*** and other connected appeals but there is delay of 2187 days in filing this appeal and 12 days in re-filing thereof. It is contended that the appellant is a fence-sitter and ought not to have the benefit of enhancement.
7. The need to await the main counsel is not felt.
8. Following 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.25,000/- 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.37914/2016 & 37915/2016 are disposed of.
10. The appeal is allowed enhancing the compensation in terms of the judgment in ***Jai 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/bs..