

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.461 of 2019 (O&M)

Date of Decision: 31.05.2019

Devi Sahai ... Appellant(s)

VS.

State of Haryana & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Anupama Arigala, Advocate,
Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate,
Mr. Ashok Aggarwal, Advocate,
Mr. S.K. Tripathi, Advocate,
Mr. Adarsh Jain, Advocate,
Mr. Sushil Jain, Advocate,
Mr. Kulbhushan Sharma, Advocate,
Mr. Ram Bilas Gupta, Advocate,
Mr. Bikram Chaudhary, Advocate,
Mr. Shiv Kumar, Advocate,
Mr. Amit Jain, Advocate,
Mr. R.D. Bawa, Advocate,
Mr. Anand Bhardwaj, Advocate,
Mr. Sandeep Jindal, Advocate,
Mr. Gaurav Singla, Advocate,
Mr. Tushar Sharma, Advocate,
Mr. Manoj Sood, Advocate,
Mr. Sandeep Sharma, Advocate,
Mr. B.R. Rana, Advocate,
Mr. Chirag Kundu, Advocate,
Mr. Kunal Dawar, Advocate,
Mr. R.K. Kapoor, Advocate,
Mr. Deepender Singh, Advocate,
Mr. Aditya Jain, Advocate,
Mr. Vikas Chaudhary, Advocate,
Mr. Sunil Kumar Rana, Advocate,
Mr. J.S. Saneta, Advocate, for the landowners.

Mr. Sudeep Mahajan, Addl. AG, Haryana,
Ms. Vibha Tiwari, AAG, Haryana,
Mr. Shivendra Swaroop, AAG, Haryana.

G.S. SANDHAWALIA, J.

CM-1078-CI-2019

Application has been filed under Section 151 CPC for
condonation of delay 151 days in re-filing the above-cited appeal.

In view of the averments made in the application which is duly supported by affidavit of the counsel, sufficient cause is made out. The application is accordingly allowed and the delay of 151 days in re-filing the appeal is condoned.

CM stands disposed of.

CM-1079-CI-2019

Application under Section 5 of the Limitation Act has been filed for condonation of delay of 1734 days in filing the above-cited appeal.

Keeping in view the averments made in the application which is duly supported by affidavit, the delay of 1734 days in filing the appeal is condoned conditionally in view of the judgment of the Apex Court in ***Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437*** and ***Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507***, as interest of the State can be protected by denying the interest for the period of delay. It is made clear that the appellant shall not be entitled to interest for the said days on the enhanced compensation in case the appeal is allowed.

CM stands disposed of.

Main case (O&M)

For the reasons assigned in detailed judgment of even date passed in RFA No.7108 of 2012 titled as “**Rampal and others (II) Vs. Land Acquisition Collector and another**”, the present appeal is disposed of.

31.05.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No