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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA-725-2019 (O&M)
Date of Decision:- 20.05.2019**

Saroj Bala and others

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present : Mr. S.P.Chahar, Advocate
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Vikas P.Singh, Advocate
for respondent No. 3.

G.S. Sandhawalia , J. (Oral)

CM-5079-CI-2019

Application has been filed for placing on record Will dated 19.10.2014 as Annexure A-1. The same is allowed and Will is taken on record.

CM stand disposed.

CM-1728-CI-2019

Application has been filed for bringing on record the legal representatives of the deceased appellant No. 8-Suraj Bhan. It is stated that the deceased appellant had expired on 05.07.2017 after the decision of the reference petition, leaving behind his legal representatives as Saroj Bala, who is wife of the deceased's nephew, Abhey Ram.

In view of the averments made in the application duly supported by the affidavit of the wife of the deceased's nephew on

strengthened the Will registered on 19.10.2004 in favour of Saroj Bala wife of nephew of the deceased, namely Abhey Ram, the same is allowed without commenting on the validity of the Will. Legal representative namely Saroj Bala is brought on record and permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stand disposed of.

Delay application

The present appeal, directed against the order dated 01.10.2011, passed by the Reference Court, Jhajjar, is barred by 2579 days. In view of the fact that the matter has attained finality before the Apex Court and the interest of the respondents can be protected, the delay of 2579 days in filing the appeal is, hereby condoned conditionally, keeping in view the judgments of the Apex Court in ***Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437*** and ***Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507***. However, the appellants shall not be entitled for the interest element, for the said period of delay.

CM stand disposed of.

Main Case

It is not disputed that a sum of Rs.16 lakhs was awarded by the Land Acquisition Collector, as compensation for the notification dated 16.01.2007 and there was no enhancement granted by the Reference Court. This Court had enhanced the compensation to Rs.29,00,400/- per acre along with statutory benefits, which has been reduced by the Apex Court and an amount of Rs.25 lakhs has been awarded vide order dated 05.09.2017 in

CA-8757-2016 titled *Arawali Power Company Pvt. Ltd. Vs. Joginder Singh Tokash & others*. Relevant portion of the judgment reads as under:

“In the peculiar facts and circumstances of the case, we find that it would be appropriate to make approximately 15% deduction towards development and in the facts and circumstances of the case, we grant compensation at the rate of Rs.25,00,000/- (Rupees twenty five lakhs only) per acre alongwith statutory benefits.

Consequently the appeals filed by the Company are partly allowed and the cross appeals/cross objections preferred by the owners are hereby dismissed. No costs.”

Accordingly, the present appeals are also allowed, in the above-said terms, except for interest for the period of 2579 days.

20th May, 2019

shabha

**(G.S.SANDHAWALIA)
JUDGE**

Whether speaking/reasoned : Yes

Whether Reportable : No