

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

215

**RFA No.735 of 2019 (O&M)
Decided on : 19.11.2019**

Smt. Angoori and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

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

Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for respondents-HSIIDC.

G.S. Sandhawalia, J. (Oral)

CM-1760-CI-2019

The present application has been filed for impleading the legal representatives of the deceased Sheela-appellant No.2, who had expired on 03.04.2005. The names of legal representatives have been mentioned in paragraph No.2 of the application. It has also been mentioned that there is no other legal heir of the appellant except the applicants mentioned in paragraph No.2. The application is supported by the affidavit of Jai Parkash son of deceased appellant.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are 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 stands disposed of.

CM-1759-CI-2019

Application under Section 5 of the Limitation Act for condoning the delay of 3493 days in filing the present appeal against the Award dated 24.03.2009 passed by the Reference Court, Jhajjar has been filed.

In the application, it has been averred that the appeal was not filed by the brother/proforma respondents No.6 to 9, whereas the appeals of other similarly situated co-owners had been allowed.

Accordingly, keeping in view the averments made in the application and the fact that market value has already fixed upto the Apex Court, the same is allowed. The interest of the State can be protected by denying the appellants the benefit of interest for 3493 days, in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236. The delay of 3493 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation on the delay period.

CM stands disposed of.

This Court in RFA No.3787 of 2009 '**Gaje Singh and others Vs. State of Haryana and another**' decided on 06.11.2015, has further enhanced the compensation as under:-

33. The appeals filed by the landowners are allowed in the manner indicated above, whereas the appeals filed by HSIIDC are dismissed.”

It is pointed out that the appeals filed had been dismissed by the Apex Court.

Accordingly, the present appeal is also allowed in the abovesaid terms. However, it is made clear the appellants will not be entitled for the benefit of interest on the enhanced compensation for the delay period of 3493 days.

NOVEMBER 19, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No