

207 CM-861 & 862-CI-2019 in RA-RF-2-2019 in RFA-3168-2016

Pritam Singh and others Vs. State of Haryana and another

Present: Mr. Rohit Chaudhary, Advocate for
Mr. Vijay Saini, Advocate for the applicant/appellants.

Mr. Sharad Aggarwal, AAG, Haryana.

CM-861-CI-2019

This is an application under Section 5 of the Limitation Act, seeking condonation of delay of 828 days in filing the accompanying review application.

Learned counsel for the applicants concedes that the explanation rendered to justify the delay do not constitute any sufficient cause however, he submits that this Court had disposed of the appeal preferred by the applicant/appellants on 22.09.2016, in terms of the decision of this Court dated 22.12.2015, in **RFA No.1515 of 2014 (Harijan Co-operative Society Limited Vs. State of Haryana and another)** and enhanced the compensation accordingly. It is urged that in an appeal preferred by certain claimants against the order and judgment dated 22.12.2015, referred to above, the Supreme Court in **Civil Appeal No.2846 of 2017 (Bijender and others Vs. State of Haryana and another)** and other connected matters, vide order dated 27.10.2017, enhanced the compensation from Rs.33,00,000/- per acre to Rs.45,00,000/- per acre qua the land that abuts the main road up to the depth of 2 acres. Likewise, the compensation awarded by this Court for the land that was situated beyond 2 acres at Rs. 24,75,000/- was enhanced to Rs. 35,00,000/- per acre. Accordingly, a review application, i.e. **RA-RF No.69-CI of 2018**

in RFA No.3986 of 2014 (Jaspal Singh Vs. State of Haryana and another) was filed by one of the claimant/landowners, whose land was also acquired pursuant to the same acquisition, and a co-ordinate Bench of this Court, vide order dated 13.07.2018, disposed of the said application by modifying its earlier order dated 22.12.2015, and enhanced the compensation in terms of the decision of the Supreme Court, in the case of **Bijender and others (supra)**. Though, the applicant therein was deprived of the interest for the period of delay in filing the review application. Accordingly, learned counsel for the applicants submits that the judgment rendered by this Court dated 22.09.2016, be also modified in terms of the decision of the Supreme Court rendered in **Bijender and others (supra)**, and for the period of delay, i.e. 828 days in filing the review application, the applicant/appellant be denied interest.

Notice of this application was issued to the non-applicant/respondents but no reply has been filed thereto. However, the factual position as set out above, is not disputed by the learned State counsel. He rather fairly submits that let this petition be disposed of in terms of the decision rendered by a co-ordinate Bench of this Court, dated 13.07.2018.

In conspectus of the above, the application is allowed. The delay in filing the accompanying review application is condoned. But it is made clear that the applicant/appellant shall not be entitled to any interest for the period of delay i.e. 828 days, in filing the review application.

CM-862-CI of 2019

Allowed as prayed for.

RA-RF-2 of 2019

This is an application under Order XLVII Rule 1 of the CPC, seeking review of the order dated 22.09.2016, in the wake of the decision of the Supreme Court, dated 27.10.2017, rendered in the case of **Bijender and others (supra)**.

Notice.

Mr. Sharad Aggarwal, AAG, Haryana, present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the parties are ad idem that as the matter in issue is squarely covered by the decision of the Supreme Court in the case of **Bijender and others (supra)**, the present application be accordingly allowed, and the order dated 22.09.2016, be modified in terms of the said decision.

In the wake of the above, the application at hands is allowed. The order dated 22.09.2016, is modified to the extent that the applicant-appellants shall be entitled to compensation in terms of the judgment of the Supreme Court in the case of **Bijender and others (supra)**. However, the applicant/appellants shall not be entitled to any interest on the enhanced compensation for the period of delay in filing the present application i.e. for 828 days.

(ARUN PALLI)
JUDGE

08.02.2019

Manoj Bhutani