

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

RFA No. 3224 of 2019 (O & M)

Date of decision: 03.10.2019

Ram Mehar and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Jagmohan Singh, Advocate,
for Mr. Sonu Giri, Advocate,
for Mr. Sandeep Sharma, Advocate,
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 7805-CI of 2019

The present application has been filed for condonation of delay of 1280 days in filing the appeal.

In view of the matter being covered by the judgment of the Apex Court in ***Civil Appeal Nos. 11913-11945 of 2017, State of Haryana and another vs. Pushpendra Kumar and others*** decided on 05.09.2017, the application is allowed.

Delay is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the said days.

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The notification in question is dated 11.02.2010 and land was acquired of village Kankrola. Vide above said judgment in *Pushpendra Kumar's case (supra)*, the compensation has been reduced by 15% from

Rs.2,24,97,003/- per acre as awarded on 27.05.2016 in RFA No. 5316 of 2014, Pushpendra Kumar and others vs. State of Haryana and another. The relevant portion of the judgment of the Apex Court in *Pushpendra Kumar's case (supra)* reads thus:-

“In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not to be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.”

Resultantly, the market value works out at Rs.1,91,22,453/-.

The appeal is accordingly is allowed and the appellants are held entitled for the same amount alongwith statutory benefits. However, it is made clear that the land owners will not be entitled for the interest for the period of 1280 days and the decree be drawn up accordingly.

03.10.2019
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No