

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

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**RFA No.3393 of 2018 (O&M)**

**Date of Decision: 29.03.2019**

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Ved Parkash & Ors.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

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

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Present: Mr. Sandeep Lather, Advocate for the appellants

Ms. Vibha Tewari, AAG Haryana

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**G.S. SANDHAWALIA, J.**

**Delay in re-filing**

Application has been filed under Section 151 CPC for condonation of delay 3660 days in re-filing the above-cited appeal.

It is averred that the appeal was filed on 21.06.2008 against the award dated 01.04.2008. It had been returned with objection but the earlier counsel had not re-filed it.

In view of the averments made in the application which is duly supported by affidavit, sufficient cause is made out. The application is accordingly allowed and the delay of 3660 days in re-filing the appeal is condoned.

CM stands disposed of.

**Main case**

The present appeal under Section 54 of the Land Acquisition Act, 1894 is directed against the award dated 01.04.2008 of Reference Court, Sonapat for the notification dated 21.11.2002.

Counsel submits that the matter is covered by the decision in **RFA-3328-2008 Shingari Devi (deceased) through LRs and others vs.**

State of Haryana and others decided on 03.11.2015 whereby the market value has been enhanced from ₹ 4,26,000/- per acre for the notification dated 21.11.2002 to ₹ 10 lakhs per acre for the land abutting GT road upto a depth of 2 acres and ₹ 5,80,000/- (rounded off) per acre for the rest of the land located behind that. The relevant portion reads as under:-

*“14. Considering the aforesaid facts, in my opinion, the landowners deserve to be granted increase @ 12% per annum for the time gap of five years on the value of the land as assessed in Umed Singh's case (supra), where notification under Section 4 of the Act was issued on 17.9.1997 pertaining to the adjoining land and applying the same principle regarding belting, the landowners are held entitled to compensation @ ₹ 10,00,000/- per acre for the land abutting GT road upto a depth of 2 acres and ₹ 5,80,000/- (rounded off) per acre for rest of the land located behind that. The landowners shall also be entitled to all the statutory benefits available to them under the Act.*

*15. For the reasons mentioned above, the appeals filed by the landowners are allowed and the appeals filed by HSIIDC are dismissed.”*

The appeal is accordingly disposed of in above-terms.

Ordered accordingly.

**29.03.2019**

*vvishal*

**(G.S. Sandhawalia)**  
**Judge**

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

**Yes/No**  
**Yes/No**