

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

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**RFA-4861-2017 (O&M)
Date of decision: 26.08.2019**

Hari Singh (Deceased) th LRs & othersAppellants

Versus

State of Haryana & others ...Respondents

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

Present: Mr.Chanderhas Yadav, Advocate, for the appellants.

G.S. SANDHAWALIA, J. (Oral)

CM-1200-CI-2017

Application for condonation of delay of 942 days in refiling the present appeal is allowed, in view of the averments made in the application, duly supported by affidavit of counsel. Delay of 942 days in refiling the present appeal is hereby condoned.

CM stands disposed of.

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The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, is directed against the award dated 04.04.2014, passed by the Addl.District Judge, Jhajjar.

The original landowner-Hari Singh expired on 18.05.2011, before the date of decision of the Reference Court. No effort, as such, was made before the Reference Court for bringing on record his legal representatives nor any reason has been given as to why the same was not done at that stage. An application has, now, been filed for bringing on record his sons only. Same is bereft of the fact whether there are other legal representatives and whether the mother of the proposed legal representatives or any lady members are available whose interest may be involved regarding the estate of the deceased.

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On this aspect only, when it had come to the notice of this Court, counsel had taken time to file better affidavit on 09.02.2018. Various opportunities have been granted thereafter, on at-least 5 occasions but counsel, now, submits that he has no instructions.

In such circumstances, this Court is of the opinion that neither the application for bringing on record the legal representatives of deceased-appellant No.1 nor the application for condonation of delay of 47 days in filing the present appeal are liable to be allowed. Accordingly, both the applications along with the main appeal are hereby dismissed.

26.08.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*