

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

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**RFA No.901 of 2017 (O&M)
Decided on : 21.01.2019**

Bachan Singh(deceased) th. LRs & others

...Appellants

Versus

State of Punjab & others

...Respondents

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

Present: Mr.Vikas Mehsempuri, Advocate, for the appellants.

Ms.S.G.Randhawa, AAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

Present appeal has been filed against the judgment of the Reference Court, Ropar dated 08.06.1990, for enhancement of compensation.

The appeal is barred by 9437 days and accordingly, application for condonation of delay, bearing CM-2393-CI-2017 has been filed. It has been averred that Bachan Singh, predecessor-in-interest of the appellants was pursuing the matters and the appeal was not filed under the impression that he might have filed the same, but now, it has come to the notice of the present appellants that no appeal has been filed. It has, accordingly, been averred in the application that in RFA-2267-1990, arising out of the same notification, amount of compensation has been enhanced. It is pertinent to mention that the said appeal was decided on 26.11.2008. Accordingly, the delay in filing the appeal is sought to be condoned, on account of the illiteracy etc. and that it was not intentional or willful.

It is pertinent to notice that Bachan Singh had died on 01.12.1995 and CM-2391-CI-2017 was also filed for bringing on record his legal representatives. From the year 1995, after his death, a period of over 20 years has gone by but no effort was made by the appellants to file any appeal, as such. The lis had actually got buried along with the death of Bachan Singh but the same has been sought to be revived, at this belated stage, by way of filing the present appeal. Merely because similarly situated landowners had got enhanced compensation, would not be a ground, as such, to condone the delay, which seems to be the apparent reason for filing the application for condonation of delay.

In similar circumstances, the Apex Court in **Mewa Ram (deceased by LRs) & others Vs. State of Haryana AIR 1987 SC 45** and **Brijesh Kumar & others Vs. State of Haryana & others AIR 2014 SC 1612**, had refused to condone the delay of over 10 years, in the later case. Sufficient cause, as such, has to be made out to condone the delay, which in the present case, is apparently lacking. The law on delay may operate harshly and it does not permit a negligent litigant, as such, to sleep over his rights, to seek the benefit after the delay of over 2 ½ decades.

The application for condonation of delay is also being opposed by the State with necessary zeal, apart from the fact that the land was acquired for the purpose of SYL, which had been denotified on 16.11.2016 (Annexure R-1) and thus, litigation is also pending qua the same. Resultantly, in the facts and circumstances of the present case and in view of the argument raised by the State Counsel that if such

application for condonation of delay is allowed, it would open a Pandora's Box, as similarly situated landowners who did not file appeals, will all come up seeking benefit of enhancement, no case is made out for condoning the inordinate delay of almost 3 decades.

Accordingly, in view of the above discussion, the present application for condonation of delay is dismissed. Resultantly, the main appeal also stands dismissed.

January 21st, 2019
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*