

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

110

**RFA No.4188 of 2019 (O&M)
Decided on : 04.12.2019**

Mohinder Kaur and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Navmohit Singh, Advocate
for the appellants.

G.S. Sandhawal, J. (Oral)

Present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is barred by 1491 days in filing against the order dated 30.07.2015 passed by the Reference Court, Yamunanagar. A perusal of the order would go on to show that no sufficient cause, as such, is made out for condoning the delay as the only ground taken is that the appellants are rustic villager, which led to the delay in filing the appeal. Even otherwise, this Court has not enhanced the market value while disposing of **RFA No. 6232 of 2015, Diljit Singh (II) and others vs. State of Haryana and others** on 18.09.2019. Relevant portion reads thus:-

“(32) It is also to be noticed that it has been argued that some of the landowners have already received the amount of compensation @ Rs.1560/- per square meter and it would cause extreme hardship to them if the amount is reduced and if they are asked to refund the said amount which also would have been received not in lumpsum but at various stages. Reliance can also be placed upon the judgment in Udho Dass vs. State of Haryana (2010) 12 SCC 51 wherein this aspect has been noticed as to how landowners can be put to a disadvantage for getting

the amount of compensation in instalments which is incommensurate with the inflation which is taking place.

(33) Resultantly, keeping in view the above, this issue is decided in favour of the landowners to the extent that this Court maintains what has been awarded by the Reference Court though not appreciating the manner in which the matter has been adjudicated upon by the Reference Court.

(34) Resultantly, the appeals of the landowners are dismissed.

(35) Misc. applications, if any, also stands disposed of accordingly.”

It is also to be noticed that at an earlier point of time the matter was decided by the Coordinate Bench of this Court on 02.03.2017 and the Apex Court had remanded the matter on 11.09.2018 and thereafter the matter has been re-decided.

Accordingly, keeping in view the above, no useful purpose would be served in calling upon the other side. Resultantly, the application for condonation of delay in filing the appeal as well as the main appeal are dismissed in limine.

DECEMBER 04, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No