

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

117

RFA-4262-2019(O&M)
Date of Order: 18.05.2022

RAM KISHAN (DECEASED) THROUGH ITS LRS & ORS ..Appellants

Versus

THE STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
for Mr. Jasmer Singh Rozera, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for HSIIDC.

ANIL KSHETARPAL, J(Oral)

CM-10829-CI-2019

For the reasons mentioned in the application for condonation of delay which is supported by an affidavit, the application is allowed.

The delay of 261 days in refiling the present appeal is condoned.

CM stands disposed of.

CM-10830-CI-2019

Allowed as prayed for.

CM-10831-CI-2019

For the reasons mentioned in the application which is supported by an affidavit, the application for bringing on record the legal representatives of late Sh. Ram Kishan is allowed, subject to all the just exceptions.

The legal representatives of late Sh. Ram Kishan are brought on record.

CM stands disposed of.

CM-10832-CI-2019

This is an application to condone the delay of 2611 days in filing the present appeal. It is evident that the connected appeals arising from the same acquisition have already been decided on 28.03.2016 in the Regular First Appeal No.2322 of 2011, titled as “Usha Rani and others Vs. State of Haryana and others”.

This appeal was filed on 12.04.2019 i.e. after the decision of the connected cases. In fact, this appeal has been filed after a period of more than three years after the connected cases were decided.

To seek the condonation of delay in filing the appeal, the appellants have asserted as under:-

“6. That it is relevant to mention here that the petition of the applicants/appellants got decided on 02.04.2011 with bunch of petition. Likewise bunch of appeals against aforesaid common judgment was preferred before this Hon'ble Court. However, due to bonafide belief and inadvertence, no appeal could be filed alongwith bunch. However, applicants/appellants remained under the bonafide belief that their appeal has also been filed alongwith bunch, which was decided vide common judgment.

7. That in the month of February 2018, applicants/appellants made an enquiry regarding the pending cases in order to find the status of the case of applicants/appellants and then they found that their appeal could not be filed.

8. That thereafter, on 13.06.2017 applicants/appellants obtained the certified copy of the order dated 02.04.2011 and contacted the undersigned counsel on 15.08.2017 alongwith relevant documents of their reference petition and relevant information for filing a regular first appeal before Hon'ble High Court at Chandigarh.

9. That from aforesaid it becomes abundantly clear that

applicants/appellants always remained under the bonafide belief that their appeal has already been filed with bunch of appeals. However, they got the knowledge of non filing only in the month of February 2018.”

It is evident that the appellants neither engaged any counsel for filing the appeal nor signed any relevant papers. They were represented by a counsel before the Reference Court. The explanation furnished to seek the condonation of delay is neither plausible nor sufficient. The appellants are the residents of Faridabad, Haryana, which adjoins Delhi. They engaged a counsel before the Reference Court. They also knew that various other owners of the same village have filed appeals before the High Court. They did not take steps at the appropriate time. Even after the judgment was delivered by the High Court enhancing the amount of compensation for compulsory acquisition of the land, the appellants slept over the matter for a period of more than three years.

In view the aforesaid discussions, the appellants have failed to make out a case to condone the colossal delay of 2611 days.

Hence, the application as well as the appeal shall stand dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 18th, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*