

RFA-1410-2021 (O&M)
and connected cases **1**

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

1.RFA-1410-2021 (O&M)

Ajay Garg
.....Appellant

Versus

State of Haryana and another
..Respondents

2.RFA-1557-2021 (O&M)

State of Haryana
.....Appellant

Versus

Mast Ram Sharma and another
..Respondents

3.RFA-1568-2021 (O&M)

State of Haryana
.....Appellant

Versus

Santosh Kumari and another
..Respondents

4.RFA-1702-2021 (O&M)

State of Haryana
.....Appellant

Versus

Jaswant Rai and others
..Respondents

5.RFA-1700-2021 (O&M)

State of Haryana
.....Appellant

Versus

RFA-1410-2021 (O&M)
and connected cases 2

Ram Karan and another
..Respondents

6.RFA-1892-2021 (O&M)

State of Haryana
....Appellant

Versus

Murari Lal and another
..Respondents

7.RFA-1918-2021 (O&M)

State of Haryana
....Appellant

Versus

Ram Rattan and others
..Respondents

8.RFA-1758-2021 (O&M)

State of Haryana
....Appellant

Versus

Vijay Kumar and another
..Respondents

9.RFA-1992-2021 (O&M)

State of Haryana
....Appellant

Versus

Shamlat Deh and another
..Respondents

10.RFA-1947-2021 (O&M)

State of Haryana
....Appellant

**RFA-1410-2021 (O&M)
and connected cases** 3

Versus

Om Parkash and another
..Respondents

11.RFA-1951-2021 (O&M)

State of Haryana
....Appellant

Versus

Deen Dayal and others
..Respondents

12.RFA-2469-2021 (O&M)

Ram Gopal
....Appellant

Versus

State of Haryana and another
..Respondents

13.RFA-2494-2021 (O&M)

Kamal Raj and others
....Appellant

Versus

State of Haryana and another
..Respondents

Date of decision: 06.07.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.K.Singal, Advocate
Mr. S.K.Sharma, Advocate
Mr. Shoaib Khan, Advocate
for the landowners

Ms. Vibha Tiwari, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

By this order, 13 Regular First Appeals i.e RFA-1410, 1557,

1568, 1702, 1700, 1892, 1918, 1758, 1992, 1947, 1951, 2469 and 2494 of 2021 shall stand disposed of.

Learned counsel representing the parties are *ad idem* that this batch of 13 appeals can be decided in terms of order passed in **RFA-1546-2021 decided on 11.03.2022** titled as **State of Haryana and another vs. Rajinder Singh** which reads as under:-

“By this order a bunch of 233 appeals, (details whereof are on the foot of the order), shall stand disposed of.

There are various applications filed for seeking condonation of delay in filing the appeal. The learned counsel representing the State of Haryana contends that these appeals have been filed after the lead case was decided.

Per contra, the learned counsel representing the landowners contends that the State of Haryana has also filed appeals post the decision of the lead case in which the delay has been condoned. He submits that the landowners should not be discriminated.

It is not in dispute that connected appeals filed by the State of Haryana are pending. Hence, the delay in filing the appeals is condoned, subject to the condition that the landowners shall not be entitled to the payment of interest, beyond the period of limitation from the final order passed by the Reference Court.

The learned counsel representing the parties are *ad idem* that all these appeals are covered by the decision of the High Court in ***Regular First Appeal No.1817 of 2019, titled as “The Akash Cooperative Group Housing Society Ltd.-II Vs. State of Haryana and others”, decided on 27.05.2020.***

The learned State counsel has pointed out that in view of the orders dated 29.05.2020 and 10.08.2020 passed by the bench, the amount awarded has been corrected.

These appeals are disposed of in terms of final judgment passed by the High Court on 10.08.2020.

As per the office report, notices issued to certain respondents in various appeals have not been

received back served or otherwise.

In other words, the service of notice in the following appeals is not complete:-

RFA-1550, 1551, 1559, 1562, 1563, 1571, 1573, 1575, 1576, 1585, 1591, 1593, 1597, 1603, 1605, 1615, 1623, 1634, 1644, 1655, 1656, 1666, 1671, 1676, 1684, 1688, 1691, 1697, 1699, 1703, 1708, 1710, 1714, 1715, 1717, 1718, 1722, 1728, 1735, 1737, 1748, 1752, 1754, 1755, 1760, 1768, 1777, 1780, 1781, 1788, 1791, 1826, 1840, 1841, 1845, 1846, 1869, 1871, 1875, 1881, 1889 to 1891, 1893, 1898, 1903 to 1906, 1908, 1909, 1911, 1913 to 1915, 1923, 1940, 1944, 1945, 1949, 1955, 1961, 1966, 1976, 1983, 1997, 2000, 2133, 2168 of 2021.

The lead case in which the evidence was led has already been decided after hearing the learned counsel representing the respective parties.

Keeping in view the aforesaid facts, it would not be appropriate to keep these appeals pending.

Hence, these appeals are also disposed of in terms of the aforesaid order.

However, the unrepresented respondents shall have liberty to file an application for revival, if they want to address any further arguments.

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

Since there is consensus between the learned counsel representing the parties, hence, the appeals are disposed of in terms of the order passed on 11.03.2022 in **RFA-1546-2021 titled as State of Haryana and another vs. Rajinder Singh**. The delay in filing and re-filing the appeal shall stand condoned subject to the condition that the landowners shall not be entitled to payment of interest beyond the period of limitation from the final order passed by the Reference Court.

Disposed of.

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

06.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE