

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.382 of 2020 (O&M)

Date of decision: 06.05.2022

Sarvan (deceased) thr. Lrs.

..Appellant (s)

Versus

State of Haryana and others

..Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present- Mr. Jaivir Yadav, Advocate for Mr. Harshwardhan Ranga, Advocate, Mr. Sanjiv Ghai, Advocate with Mr. Saurabh Garg, Advocate, Mr. Sanjeev Kodan, Advocate, Mr. Navneet Singh, Advocate, Mr. S.P. Chahar, Advocate, Mr. Aditya Yadav, Advocate, Mr. Sandeep Kotla, Advocate, Mr. Chanderhas Yadav, Advocate, Mr. Sanjeev Kodan, Advocate, Mr. Arvind Seth, Advocate, Mr. Kulvir Narwal, Advocate, Mr. Vijay, Advocate, Mr. Suresh Kaushik, Advocate, Mr. R.K. Girdhwal, Advocate, Mr. Saurabh Dalal, Advocate, Mr. Vivek Khatri, Advocate, Mr. Abhimanyu Singh, Advocate, Mr. R.K. Kachwa, Advocate, Mr. Ashish Gupta, Advocate for Mr. G.N. Malik, Advocate, Mr. P.R. Yadav, Advocate, Ms. Divya Arora, Advocate for Mr. Rahul Deswal, Advocate, Mr. Ravinder Rana, Advocate, Ms. Pratibha Yadav, Advocate for Mr. Arvind K. Yadav, Advocate for the landowners.

Mr. Baldev Raj Mahajan, Advocate General, Haryana with Mr. Shivendra Swaroop, AAG, Haryana, Ms. Vibha Tewari, AAG, Haryana, and, Mr. Harsh Vardhan, AAG, Haryana. Ms. Nikita Goel, Advocate.

ANIL KSHETARPAL, J.

CM No.879-CI of 2020

For the reasons stated in the application, the same is allowed and delay of 80 days in refiling the appeal is condoned.

CM No.880-CI of 2020

The prayer in this application is to condone the delay of 287 days in filing the appeal.

Admittedly, the connected appeals arising from the same notification under Section 4 of the Land Acquisition Act, 1894, are pending. The Hon'ble Supreme Court in **Imrat Lal and others vs. Land Acquisition Collector and others (SC) 2015(2) RCR (Civil) 437, Dhiraj Singh (deceased) thr. LRs vs. Haryana State and others, 2015(2) RCR (Civil) 507 and Jethu Ram (deceased) thr. LRs vs. Union of India and others, 2016(4) Law Herald 3166,** has held that in such cases the delay be condoned subject to the denial of interest to the appellants for the period of delay. Hence, the application is allowed and delay of 287 days in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled to interest for the period of delay.

CM No.881-CI of 2020

The application is allowed. Legal heirs of late Sh. Sarvan (appellant) are permitted to be brought on record subject to all the just exceptions.

Main Case

For orders, see detailed order of the even date passed in **RFA No.728 of 2019** titled as **State of Haryana and another vs. Jyoti and another.**

06.05.2022

ashok

Whether speaking/reasoned : Yes Whether reportable : No

(ANIL KSHETARPAL)**JUDGE**