



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

CM-1785-CI-2024 in/and
RFA No.715 of 2024 (O&M)
Date of Decision: 06.08.2024

RAM NIWAS (DECEASED) THROUGH HIS LRS
.....Appellant
Versus
STATE OF HARYANA AND OTHERS
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Satish Saini, Advocate for the appellant.

 Mr. Shivendra Swaroop, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

CM-1785-C1-2024

 This is an application for condonation of delay of 833 days in
filing the appeal.

 Learned counsel for the applicant-appellant submits that if the
applicant-appellant is granted an opportunity to prosecute his appeal on
merits, he would not even pray for the statutory interest for the period of
delay.

 On the other hand, learned counsel for the respondents-State
submits that there is no ground for condoning the delay as such.

 Since, the procedural law is handmade to advance the interest of
the substantial justice, therefore, it would be in the interest of justice that the
delay in filing the appeal is condoned, while, at the same time, it is ordered that
the appellant would not claim the statutory interest for the period of the delay
involved in filing the present appeal.

In view of the above, the present application is allowed in the above said terms.

Main Case

1. The present appeal has been filed against the award dated 29.01.2020.
2. The main facts involved in the case, and as are mentioned in the order of the Court below, are that vide notification No.LAC(H) 2005/288 dated 29.08.2005 under Section 4 of the Act followed by another notification No.LAC(H) N.T.L.A./2006/324 dated 29.08.2006, under Section 6 of the Act, State of Haryana acquired 229.13 acre land for the purpose of development and utilization of commercial and residential Sectors 3, 5 and 6 of Hansi. Thereafter, Land Acquisition Collector, Hisar, vide award No.1 dated 03.08.2007 awarded compensation in respect of the acquired land to the land owners at the rate of Rs.12,00,000/- per acre for the land falling on Delhi-Hisar road upto 2 acres from the road, Rs.10,00,000/- per acre for the land falling on Jind Bye-pass road upto 2 acres and Rs.8,00,000/- per acre for the remaining entire land.
3. While arguing the case, learned counsel for the appellant has submitted that certain appeals filed qua the same acquisition by the land owners were dismissed, while the appeals filed by the State were allowed by this Court and thereby the compensation was ordered to be reduced. However, when the matter reached before the Apex Court, Hon'ble the Apex Court in ***Civil Appeal No.7391 of 2022 titled as Radhey Sham Versus The State of Haryana and others***, has set aside the judgment of the High Court and held the land owners entitled to the compensation at least at the rate of Rs.1,000/- per square yards along with certain other terms and conditions.

4. Learned counsel for the respondents-State has not disputed the factum of the Hon'ble the Apex Court having considered the issue and having passed the above said order.

5. In view of the above, the present appeal is disposed of in the same terms as in the judgment of Hon'ble the Apex Court rendered in *Civil Appeal No.7391 of 2022 titled as Radhey Sham Versus The State of Haryana and others*.

6. However, since the appeal has been filed after a delay of 833 days and the same has been condoned by this Court on an undertaking that the appellant will not claim the statutory interest for the said period, therefore, it is further ordered that the appellant shall not be entitled to the interest for the period of delay involved in this appeal.

7. The pending miscellaneous application, if any, is also disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

06.08.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No