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

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**CM-4188-CI-2023 in/and
RFA-1519-2023 (O & M)
Date of decision: 20.09.2024**

PARKASH @ OM PARKASH AND OTHERS

...Appellants

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sarvesh Malik, Advocate,
for the appellants.

Ms. Safia Gupta, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate,
for respondents No.2 to 4.

RAJBIR SEHRAWAT, J. (Oral)**CM-4188-CI-2023**

1. This is an application under Section 5 of the Limitation Act for condonation of delay of 1176 days in filing the present appeal.
2. Counsel for the applicant-appellants, on instructions from the applicant-appellants, submits that the appellants would not claim interest for the period of delay.
3. Counsel for the State and counsel for respondents No.2 to 4 submit that they do not have any objection, if the delay is condoned, subject to the afore-mentioned undertaking of the counsel for the appellants.



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4. In view of the above, the present application is allowed and delay of 1176 days in filing the present appeal is condoned.

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1. Challenge in the present appeal is to the award dated 12.04.2018 passed by the Additional District Judge, Rohtak.

2. Counsel for the appellants has pointed out that the matter already stands covered by the judgment dated 23.05.2022 passed in RFA-3149-2018 (Annexure P-4), titled as 'Jaipal and others vs. State of Haryana and others'. Therefore, the present appeal can be disposed of in terms of the said judgment.

3. Counsel for the State and counsel for respondents No.2 to 4 have not disputed the fact that the matter is covered by the judgment in Jaipal and others (supra), and that the same can be disposed of in terms of the judgment in Jaipal and others (supra). However, counsel for the State and counsel for respondents No.2 to 4 have submitted that appellants be not allowed the interest for the period of delay in filing the present appeal.

4. In view of the above, the present appeal is allowed in terms of the judgment in Jaipal and others (supra). However, the appellants shall not be entitled for the interest for the period of 1176 days in filing the present appeal.

20.09.2024

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No