

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

RFA No.4732 of 2016 (O&M)

Date of Decision : 27.02.2017.

Om Devi and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Navneet Singh, Advocate for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana
for respondents No.1 and 2.

Mr. Pritam Saini, Advocate for respondent No.3.

ARUN PALLI, J. (Oral)

CM No.13188-CI of 2016

This is an application for condonation of delay of 852 days in filing the accompanying appeal.

Notice in the application was issued to the respondents. However, despite opportunity, no reply has been filed thereto.

All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 3.11.2015, rendered by this court in RFA No.7958 of 2011 (Sultan Singh Vs. State of Haryana and others), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the landowners.

The factual position, as set out above, is not disputed by learned counsel for the respondents.

I have heard learned counsel for the parties and perused the records.

In the wake of the decisions of the Hon'ble Supreme Court in

Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LR.s. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 852 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM No.13189-CI-2016

Allowed as prayed for.

RFA No.4732 of 2016

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this court in Sultan Singh's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 852 days.

27.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No