

2026:PHHC:033233



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

RFA-1707-2023 (O&M)

Decided on:-26.02.2026

Ram Sukhi (deceased) thr. LRs and othersAppellants.

vs.

State of Punjab and others .Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Ashok Kumar Sama, Advocate for the appellants.

Mr. Puru Jarewal, DAG, Punjab.

HARKESH MANUJA J. (Oral)

CM-4724 & 4726-CI-2023

1. Prayer in the aforementioned applications is for condonation of delay of 960 and 4517 days, respectively in refiling and filing the appeal.

2. Notice of the applications was issued on 31.10.2023, but till date, no reply has been filed on behalf of the respondents-State, however, learned counsel for the respondents vehemently opposes the prayer made in the applications and prays for dismissal of the applications.

3. I have heard learned counsel for the parties and gone through the contents of the applications.

4. Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the statutory interest on the enhanced amount vide judgment dated 29.01.2014

passed by this Court in RFA-2775-2007, titled as ***“Prem Lata and others vs.***

State of Punjab and another”.

5. Based thereupon, besides applying the principle of parity, the applicants-landowners being similarly situated, are entitled for grant of similar benefits, however, without any payment of interest for the period they failed to approach this Court after the decision in the reference Court. In this regard reliance can be placed upon the decisions of Hon’ble Supreme Court in case of ***Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599*** and the latest exposition of law laid down in ***“Mohar Singh (Dead) thr. LRs and ors. vs. State of Uttar Pradesh Collector and ors.”*** reported as ***2023 INSC 1019***, whereby, delay of 12 years and 353 days was condoned to accord parity between similarly placed landowners albeit no interest was awarded for delayed period. The relevant portion thereof is extracted hereunder:-

“12. Having heard learned Senior Counsel for the parties and on perusal of the material placed on record, we are satisfied that the appellants are entitled to seek parity with their co-villagers in the grant of compensation for their acquired land. This Court has consistently held in a catena of decisions that the inordinate delay in filing appeal in compensatory matters, per se, may not be fatal as the rights and equities between the parties can be well balanced by denying the statutory benefits, such as interest for the delayed period. We are thus of the considered opinion that the delay in filing the first appeal(s) could be condoned subject to the condition that the appellants would not be entitled to enure undue benefit for the delayed period. We grant such indulgence in the appellant’s favour also for the reason that a batch of first appeals at the instance of other land owners was still pending consideration before the High Court. All that the High Court ought to have emphatically denied to the late-comers was the benefit of interest including on the solatium, under Section 34 of

the Act for the period from the date of passing of the award by the Reference Court till the filing of the first appeals.”

6. In view of the discussion made hereinabove, the applications are allowed and delay of 960 and 4517 days, respectively in refiling and filing the appeal is hereby condoned.

Main case

1. By way of present appeal, challenge has been laid to an Award dated 13.03.2007 passed by the Court of learned Additional District Judge, Ferozepur, whereby the reference petition preferred at the instance of appellants-landowners, was dismissed.

2. At the outset, learned counsel for the appellants submits that the present appeal is squarely covered by the judgment dated 29.01.2014 passed by this Court in RFA-2775-2007 titled as ***“Prem Lata and others vs. State of Punjab and another”***, wherein the finding of the learned Additional District Judge on issue No.5 was set aside. The relevant portion of the judgment is reproduced hereunder:-

“In these circumstances, finding of the learned Additional District Judge on issue No.5 is set aside. Hence, issue No.5 is decided in favour of the appellants and against the respondents. Consequently, these appeals are allowed. The land references are allowed and disposed of in terms of the decision of the learned Additional District Judge qua issue Nos.2 and 3. Land owners would be entitled to receive statutory interest on the enhanced amount.”

3. On the other hand, learned counsel representing the respondents is not in a position to controvert the above factual position.

4. After going through the judgment passed in ***Prem Lata’s case***

(*supra*) as well as the present case, this Court agrees with the assertion of the learned counsel for the appellants.

5. Consequently, the present appeal is disposed of in the same terms as *Prem Lata's case (supra)*.

6. It is further added that the appellants-landowners shall not be entitled to interest for the period of delay of 940 and 4517 days, respectively, in re-filing and filing the appeal.

7. Pending application, if any, also stand disposed of.

26.02.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned: Yes/No
(ii) Whether reportable: Yes/ No