

Been Filed. Vs. Rajinder Singh and Another Appellants

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Court : Punjab and Haryana

Decided On : Jul-10-2013

Appellant : Been Filed.

Respondent : Rajinder Singh and Another Appellants

Judgement :

Singh Varinder 2013.08.02 10:36 R.F.A No.2155 of 2012 -1- I attest to the accuracy and integrity of this document Punjab & Haryana High Court at Chandigarh IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Civil Misc.

No.4473/CI of 2012 and RFA No.2155 of 2012 (O&M) Date of decision :

10. 7.2013 Rajinder Singh and anotherAppellants vs State of Haryana and othersRespondents Coram: Hon'ble Mr.Justice Rajesh Bindal Present: Mr.Ram Avtar Yadav, Advocate, for the appellants.

Mr.D.D.Gupta, Additional Advocate General, Haryana.

Rajesh Bindal, J By filing the present appeal, the landowners are seeking enhancement of compensation for the acquired land.

Along with the appeal, an application for condonation of delay of 4,179 days has also been filed.

Briefly the facts are that vide notification dated 6.5.1992 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') the State of Haryana sought to acquire land situated in the revenue estate of village Sonapat Patti Musalmanan, Hadbast No.174, Tehsil and District Sonapat, for development and utilisation thereof as residential and commercial area at Sonapat.

The same was followed by notification dated 5.5.1993 issued under Section 6 of the Act.

The Land Acquisition Collector (for short, 'the Collector') awarded compensation @ ` 3,75,000/- per acre for chahi as well as gair mumkin kinds of land.

Dissatisfied with the award of the Collector, the landowners filed objections.

On reference the learned court below vide award dated 20.9.2000 assessed the compensation for the acquired land @ ` 125/- per square yard.

Aggrieved against the award of learned Court below, the landowners are before this Court.

Along with the appeal, an application seeking condonation of delay of 4,179 days has also Singh Varinder 2013.08.02 10:36 R.F.A No.2155 of 2012 -2- I attest to the accuracy and integrity of this document Punjab & Haryana High Court at Chandigarh been filed.

Learned counsel for the applicants-appellants submitted that delay in filing the appeal before this Court be condoned.

The contention is that delay should not come in the way for granting substantial justice and the technicality should give way to justice.

The Court should be liberal in condoning the delay.

On the other hand, learned counsel for the State submitted that there is no ground made out for condoning huge delay of 4,179 days in filing the appeal.

Heard learned counsel for the parties and perused the record.

Hon'ble the Supreme Court in Mewa Ram (Deceased) by his LRs and others vs State of Haryana, (1986) 4 SCC 15. did not accept the prayer for condonation of delay in filing the appeal because in another case enhancement of compensation for the adjacent land had been made.

In State of Nagaland vs Lipokao and otheRs. (2005) 3 SCC 752. Hon'ble the Supreme Court opined that proof of sufficient cause is a condition precedent for exercise of discretion by the Court in condoning the delay In D.

Gopinathan Pillai vs State of Kerala and another, (2007) 2 SCC 322. Hon'ble the Supreme Court opined that when mandatory provision is not complied and the delay is not properly, satisfactorily and convincingly explained, the Court cannot condone the delay on sympathetic ground only.

The appeal along with the application for condonation of delay of 4,179 days was filed by the applicants-appellants before this Court on 25.4.2012 stating therein that their relative Ram Narain was watching their interest.

He had sent the papers to Ram Pat Dahiya, Advocate for filing appeal.

On enquiry it came to their notice that said Ram Pat Dahiya had expired in 2006 and due to this reason they could not get the information whether any appeal was filed by him or not.

The delay had occurred in filing the appeal due to this reason.

The delay is bonafide, not intentional or willful.

The reason given by the applicants-appellants is not sufficient Singh Varinder 2013.08.02 10:36 R.F.A No.2155 of 2012 -3- I attest to the accuracy and integrity of this document Punjab & Haryana High Court at Chandigarh to condone huge delay.

It may be noticed that a number of land owners aggrieved against the award of the learned Court below filed appeals before this Court which were disposed of vide judgment dated 20.9.2010, passed in RFA No.1692 of 2001- Moti Lal and another vs State of Haryana and otheRs. Present appeal has been filed after a period of 1

year and 7 months.

Keeping in view the aforesaid facts, I do not find that the cause shown by the applicants-appellants for condonation of huge delay in filing the appeal is sufficient.

Accordingly, the application for condonation of delay is dismissed.

Consequently, the appeal is also dismissed.

10.7.2013 (Rajesh Bindal) versus Judge

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