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

Date of Decision: 14.01.2026

RFA No. 1345 of 2023 (O&M)

Krishna Rani @ Krishnawanti and ors.	Appellants
Versus	
State of Haryana and others	Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Satbir Singh Gill, Advocate
for the appellants/ landowners (through VC)

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

CM-3750-CI-2023

Prayer made in the application is for seeking condonation of delay of 1104 days in filing the Regular First Appeal.

2. Notice of the application was issued and in response thereto no reply has been filed by the respondents.

3. I have heard learned counsel for the parties and gone through the contents of the application as well as reply.

4. To seek condonation of delay, following reasons have been expressed in paragraph No.2 of the application and the same are extracted hereunder:-

"2. That due to acquisition of land and demolition of structure of the unit, applicants/appellants



suffered huge loss in the business, they were already under the huge debt. Since adequate compensation was not granted, due to the reason that applicants/ appellants were already under the debt, the financial condition of the applicants/appellants got worsened. Therefore, they could not arrange funds to engage counsel for filing the appeal. Now they after managing the necessary affairs, they are in position to file the accompanying appeal and same is being filing, however a delay of 1104 days in fling the appeal has occurred, which is neither intentional nor willful rather it was beyond the control of the appellants.”

5. Considering the fact that the amount of compensation pertaining to this very acquisition stands enhanced by this Court vide decision dated 31.08.2022, in case of other similarly situated landowners and thus considering the principle of parity, it would be unjustified in case the present appeal filed at the instance of landowners is declined on the ground of delay in filing the same, as it would also violate the principles of equity as well as their claim of fair and just compensation. My aforesaid view is also derived from a judgment passed by Hon'ble the Apex Court in case of “**Ningappa Thotappa Angadi vs. Special Land Acquisition Office** reported as 2020(19) SCC 599” and also in view of the latest decision of Hon'ble Supreme Court in **Mohar Singh (Dead) through LRs and ors. Vs. State of Uttar Pradesh Collector and ors.**, reported as 2023 INSC



1016. Paragraphs 9 to 11 of **Ningappa's** case (supra) and paragraph 12 of **Mohar Singh's** case (supra) are reproduced hereunder:-

"Paragraphs 9 to 11 of Ningappa's case

9. *The afore-cited view has been consistently followed by this Court in a series of cases before and after the decision in Dhiraj Singh's (dead) case (supra). In Imrat Lal & Ors. v. Land Acquisition Collector & Ors., 2014 14 SCC 133, it was observed that the delay in filing the Special Leave Petition cannot be the reason to deny just and fair compensation to the claimants. This Court observed that a liberal approach should be adopted in such like matters. In Huchanagouda v. Assistant Commissioner and Land Acquisition Officer, 2019 SCC Online SC 990 also this Court condoned the delay and restored parity in the matter of grant of compensation though with a condition 'that for the period of delay in filing and in refiling the Special Leave Petitions, the appellant claimant(s) shall not be entitled to any interest on the enhanced compensation and statutory amount.'* 10. *It is undeniable that this Court vide judgment dated November 11, 2016 passed in C.A. No. 2927/2010 (Ningappa Thotappa Angadi v. Special Land Acquisition Officer & Anr.) has set aside the order of the High Court and restored the compensation as was awarded by the Reference Court. In the cited case, this Court held as follows:*

'We have heard the learned counsel for the parties to some length and carefully perused the material on record. We are of the considered opinion that the impugned judgment and order of the High Court deserves to be set aside and judgment and order passed by the Reference Court restored. We



say so because, this Court has in a similar appeal directed against the very same order set aside the impugned judgment and restored the enhancement granted by the Reference Court. We see no reason to take a different view in the present case. We, accordingly, allow this appeal and while setting aside the impugned judgment insofar as the same relates to the appellant, restore the judgment and order passed by the Reference Court. The parties shall, however, bear their own costs.'

11. The appellant(s) are also similarly placed claimants. They are, thus, entitled to seek parity and claim the same amount of fair and just compensation as has been awarded to other land owners. The appellant(s) are, however, not entitled to seek interest for the period for which they did not approach this Court."

"Paragraph 12 of Mohar Singh's case

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



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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 application is allowed. Delay of 1104 days in filing the appeal is hereby condoned, however, the appellants shall not be entitled to seek interest for the period for which they did not approach this Court.

MAIN CASE:

Both the counsels are *ad idem* that the issue involved in the present appeal which relates to acquisition pertaining to notification dated 23.08.2010 issued under Section 4 of the Act is squarely covered by decision dated 31.08.2022 rendered by a coordinate Bench of this Court in **RFA- 2349-2018** titled as **Natha Singh Vs. State of Haryana and others**.

2. In view of the above, the present appeal is disposed of in terms of the judgment dated 31.08.2022 passed by a coordinate Bench of this Court in **Natha Singh's** case (supra).

3. It is, however, made clear that the appellants shall not be entitled to seek interest for the period for which they did not approach this Court.

4. Further, wherever, the landowner(s) has/have



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unfortunately expired in the appeal(s)/ cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

5. Pending misc. application(s), if any, shall also stand disposed of.

14.01.2026
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No