

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **LA. APP. 1230/2008**

Date of decision : 14.10.2009

IN THE MATTER OF :

MANGE RAM

..... Appellant

Through: Mr. Deepak Khosla, Advocate with
Mr. Inder Singh, Advocate

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Sanjay Poddar, Advocate for UOI.
Ms. Indrani Ghosh, Advocate for Ms. Shobhana
Takiar, Advocate for DDA.

CORAM

* **HON'BLE MS.JUSTICE HIMA KOHLI**

1. Whether Reporters of Local papers may be allowed to see the Judgment? No.
2. To be referred to the Reporter or not? No.
3. Whether the judgment should be reported in the Digest? No.

HIMA KOHLI, J. (ORAL)

1. The present appeal is preferred by the appellant against the judgment a decree dated 3.10.2007, praying *inter alia* for enhancement of

compensation payable by the respondents, for acquiring his land, by Rs.15,000/- per *Bigha*.

2. At the outset, counsel for the appellant states that a typographical error has crept in the impugned judgment and decree dated 03.10.2007, inasmuch as in para 3 of the judgment, a mention has been made of three Khasras bearing No. 71/1(4-16), 9(4-16) and 10/1 (4-12) situated in the revenue estate of village Kakrola for which, the appellant claimed one half share, but no relief has been granted in respect of the aforesaid Khasra numbers. He reserves his right to approach the Trial Court by way of an appropriate application for carrying out the necessary corrections. Leave, as prayed for, is granted.

3. Counsel for the appellant states that the present appeal is covered by a common judgment delivered by the Division Bench on 23.10.2008, in a batch of matters pertaining to village Kakrola, lead matter being Ved Prakash & Ors. vs. Union of India & Ors. registered as **LAA No. 673/2008**. Para 35 of the aforesaid judgment is reproduced hereinbelow for ready reference:

"35. In these circumstances, the appeals of the land owners are partly allowed by enhancing the

compensation from Rs.1,09,500/- to Rs.1,20,500/-. These appeals are allowed in the aforesaid manner with proportionate costs. The appellants shall also be entitled to all other statutory benefits as awarded by the learned ADJ. All the pending applications also stand disposed of. As a consequence, the appeals preferred by the UOI are also dismissed.”

4. Counsel for the respondent/UOI fairly states that the appeal preferred by the Union of India, registered as LAA No. 1069/2008 challenging the same judgment and decree dated 03.10.2007, was dismissed by the Division Bench on 11.11.2008. He further states that his clients are in the process of preferring an appeal against the aforesaid judgment before the Supreme Court.

5. Guided by the aforesaid judgment dated 23.10.2008, passed in the case of Ved Prakash (supra), the present appeal is partly allowed by enhancing the compensation payable to the appellant herein from Rs.1,09,500/- to Rs.1,20,500/- per *Bigha*, with proportionate costs. The appellant shall also be entitled to all other statutory benefits as awarded by the learned ADJ. However, it is clarified that the appellant shall not be entitled to any interest for a period of 286 days, in terms of the order dated 02.04.2009 passed in CM No.16930/2009 preferred by the appellant for

condonation of delay in filing the appeal.

The trial court record be released. File be consigned to the record room.

OCTOBER 14, 2009
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(HIMA KOHLI)
JUDGE