

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CRP.No. 341 of 2012 ()

OP(ELECTRICITY) NO.850/1999 OF ADDITIONAL DISTRICT COURT, THALASSERY.

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REVISION PETITIONER/RESPONDENT:

**KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY CHAIRMAN, K.S.E.B. VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM-695 004.**

BY ADV. SRI.K.M.SATHYANATHA MENON, SC.

RESPONDENTS/PETITIONERS:

- 1. P.P. NAFEESA, W/O. KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**
- 2. P.P. MUHAMMED RAFI, S/O.KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**
- 3. P.P. MUHAMMED RAFEEQUE, S/O. KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**
- 4. P.P. ABDUL RASHEED, S/O.KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**
- 5. P.P. SUNEERA, D/O.KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**
- 6. P.P. SABIRA, D/O.KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**
- 7. P.P. JASEERA, D/O.KUNHIMUHAMMED,
P.P. HOUSE, CHERUPAZHASSI DESOM,
KOLACHERY VIA., THALASSERY-670 622.**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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C.R.P.No.341 of 2012

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Dated this the 21st day of July, 2015

ORDER

The Kerala State Electricity Board has come up in revision challenging order dated 09.09.2010 passed by the learned Additional District Judge, Thalassery in O.P. (Electricity) No.850 of 1999. It seems that the court below has granted enhancement in the compensation awarded to the respondents herein for the trees cut and removed as well as granted diminution of land value for the effected land on account of the overhead power line. It seems that the

court below has considered an area of 47 cents of the respondents as the affected land on account of the overhead power line. Even though the respondents had claimed an amount of ₹8,000/- per cent as the land value, it seems that the court below has considered the land value as ₹2,500/- per cent, which is not liable to be interfered with. Only 20% of such land value was considered as compensation for diminution of land value. The same is reasonable, and not liable to be interfered with.

2. The main complaint put forwarded by the learned counsel for the revision petitioner is that the court below has granted interest at the rate of 12% per annum on the amounts. It seems that the matter in dispute is not a commercial transaction. On considering the submissions made by the learned counsel for the petitioner, it seems that the interest granted by the court below is exorbitant and normal rate of interest that could be granted in such cases, is 9%. Therefore, this Court is of the view that by reducing the interest granted in the award from 12% per annum to

9% per annum, this CRP can be disposed of.

In the result, this CRP is allowed in part and the interest awarded by the court below is reduced from 12% per annum to 9% per annum.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/21/7/15