

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

LA.App..No. 870 of 2005 ()

AGAINST THE JUDGMENT & DECREE IN LAR 170/2001 of PRINCIPAL SUB
COURT,ALAPPUZHA DATED 29-08-2002

...

APPELLANT(S)/RESPONDENT. :

THE STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, ALAPPUZHA.

BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT(S)/CLAIMANT & ADDITIONAL RESPONDENT. :

1. KOCHU VASU, THARAYIL PADINJARETHIL,
NANGIARKULANGARA.

2. PANKAJASKHY, THARAYIL PADINJARETHIL,
NANGIARKULANGARA.

3. R.KRISHNAMOORTHY, DEPUTY GENERAL
MANAGER, N.T.P.C. KYSTPP.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OKB

P.R. RAMACHANDRA MENON & K. HARILAL, JJ.

L.A.A.No.870 of 2005
and
C.M. Appl. No.1152 of 2005

Dated this the 22nd day of September, 2015.

JUDGMENT

Ramachandra Menon, J.

This appeal is preferred by the State against the judgment and decree dated 29.8.2002 in L.A.R. No.170/2001 of the Subordinate Judge's Court, Alappuzha. Since a delay of 752 days is involved, it is sought to be condoned by filing an application in this regard.

2. Heard the learned Government Pleader, who submits that the appeal was preferred way back in the year 2005. But, on verifying the proceedings, it is seen that the verdict under challenge is a common award, also involving L.A.R.No.171/2001 of the very same court and that, there was an omission on the part of the Government in filing the appeal against the said verdict.

3. After considering the materials on record, this Court finds that even though the land value was different resulting proportionate increase awarded by the reference court, in so far as the finding by way of the common judgment has become final in respect of L.A.R.No.171/2001, no purpose can be served in this case by condoning the delay, even if the reason offered is acceptable. In the said circumstance, both the applications to condone the delay as well as the appeal stand dismissed.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Sd/-

K. HARILAL, JUDGE

okb.