

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

LA.App..No. 673 of 2013

AGAINST THE JUDGMENT IN LAR 37/2009 of III ADDITIONAL SUB
COURT, ERNAKULAM DATED 19-10-2010

APPELLANTS/CLAIMANTS:

1. K.M. RAYMOND,
S/O.MICHEL, KAVIYIL, KALAPPURAKKAL HOUSE,
KARITHALA DESOM, ERNAKULAM

2. RAJU MICHEL,
S/O.MICHEL, DO DO

BY ADVS.SRI.VARGHESE K.PAUL
SRI.ANITH JAMES

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SPECIAL TAHSILDAR((LA) ,
KOCHI CORPORATION, VYTTILA,
ERNAKULAM DISTRICT, KERALA 682 019.

2. CORPORATION OF KOCHI,
PARK AVENUE, ERNAKULAM,
REPRESENTED BY ITS SECRETARY PIN 682 011.

R1 BY GOVERNMENT PLEADER SRI. L. ALOYSIUS THOMAS
R2 BY ADV. SRI.N.RAVINDREN ACHARY,
SC,COCHIN CORPN.
SRI.P.K.SOYUZ,SC,COCHIN CORPORATION

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR
ADMISSION ON 10-09-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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

L.A.A. No.673 of 2013

Dated this the 10th day of September, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal is from the judgment and decree in L.A.R. No.37 of 2009 on the file of the III Additional Sub Court, Ernakulam. The case was disposed of along with connected matters by a common judgment. It is submitted that, this Court in the connected appeals, remanded similar matters for fresh consideration. Our attention is invited to the judgment in L.A.A. No.495 of 2014.

2. Heard both sides. The dispute is with regard to the acceptability of Ext.P7 produced in the said case. The remand is in respect of the very same document in the connected cases. Therefore, we set

aside the judgment and remand the matter for fresh consideration. All the issues raised by the claimants, i.e., on all claims are left open for consideration by the Reference Court. The court fee paid on the Memorandum of Appeal will be refunded to the appellants.

3. There was a delay of 757 days in filing the appeal and the delay petition (C.M. Application No.823 of 2013) was allowed by order dated 26/8/2014 with costs and also on a condition that if enhancement is allowed, the appellants will not be entitled for interest for the period of delay. We reiterate the same and hold that if ultimately enhancement of the land value is allowed by the Reference Court, the appellants will not be entitled for interest under Sec.28 of the Land Acquisition Act for the above period. There will be no order as to costs, in this appeal.

Sd/-

(P.R. RAMACHANDRA MENON, JUDGE)

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge