

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

LA.App..No. 104 of 2014 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 82/2009 ON THE FILE OF THE
III ADDL.SUB COURT, ERNAKULAM DATED 19-10-2010

APPELLANTS/CLAIMANTS:-:

1. TREESA TITUS,
W/O.LATE V.S.TITUS, VELUTHEDATH HOUSE, PULLEPPADY ROAD
KARITHALA, ERNAKULAM.

2. SHINE SEBASTIAN,
S/O.LATE V.S.TITUS, -DO- -DO-

3. PHILOMINA DEEPA,
D/O.V.S.TITUS, VELUTHEDATH HOUSE, PULLEPPADY ROAD
KOCHI - 18, ERNAKULAM DISTRICT
REPRESENTED BY HER POWER OF ATTORNEY HOLDER
ANTONY TITSON, S/O.LATE V.S.TITUS, VELUTHEDATH HOUSE
PULLEPPADY ROAD, KARITHALA, ERNAKULAM.

4. ANTONY TITSON,
S/O.V.S.TITUS, VELUTHEDATH HOUSE, PULLEPPADY ROAD
KARITHALA, ERNAKULAM.

BY ADVS.SRI.VARGHESE K.PAUL
SRI.ANITH JAMES
SMT.BINDHU ANTONY

RESPONDENTS/RESPONDENTS:-:

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

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

R2 BY ADV. SRI.E.D.GEORGE
R1. BY SR. GOVERNMENT PLEADER SRI.R.PADMARAJ.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.,**

L.A.A. No.104 of 2014

Dated this the 19th day of March 2015

JUDGMENT

Ramachandran Nair , J.,

This appeal is from the judgment and decree in L.A.R.No. 82 of 2009 on the file of the Sub Court, Ernakulam. The judgment of the reference court shows that it is a common judgment in 8 connected cases. Already some of the connected appeals have been allowed and matters have been remanded back for consideration afresh.

2. Our attention is invited to the judgment of this Court in L.A.A.No. 313/2014 which was filed from the judgment in L.A.R.No.91/2009. The parties have relied upon Ext.A3 registered sale deed No.5332/95, S.R.O., Ernakulam dated 7.11.1995 in the said case and the reference court rejected the claim. This Court felt that the matter will have to be reconsidered again. The same document has been relied upon in this case which is marked as Ext.A7.

3. Since, all the connected matters have been remanded back

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we set aside the judgment and decree of the reference court and remand back the matter for fresh consideration along with connected cases. The court fee paid on the appeal memorandum will be refunded to the appellant. All the questions raised relating to all the claims are left open and both sides are allowed to adduce evidence .

4. Learned Government Pleader pointed out that this appeal was filed with a petition for condoning the delay of 1010 days and therefore, the appellant will not be entitled to interest for the period of delay covered under Section 28 of the Land Acquisition Act. We have perused the order in C.M.A. No. 112/2014 dated 7.7.2014. While condoning the delay, this Court made it conditional in that in case, additional compensation is granted in the appeal, the appellants are not entitled to interest for the 1010 days also. We reiterate the same and the reference court will abide the same while granting statutory benefits.

Sd/-
T.R.RAMACHANDRAN NAIR
(JUDGE)
Sd/-
P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge