

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

LA.App..No. 495 of 2014 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 81/2009 of III ADDL.SUB COURT,
ERNAKULAM DATED 19-10-2010

APPELLANT(S) /CLAIMANTS :

1. FELICIA SEBASTIAN
CHIRAKKAPARAMBIL HOUSE, KARITHALA,
ERNAKULAM DISTRICT.

*2. C.A.GEORGE (DIED)
CHIRAKKAPARAMBIL HOUSE, KARITHALA,
ERNAKULAM DISTRICT.

ADDL.3. ANNIE GEORGE,
W/O.LATE C.A.GEORGE,
CHIRAKKAPARAMBIL HOUSE, KARITHALA,
ERNAKULAM DISTRICT.

ADDL.4. ANNA THERESE, D/O.LATE C.A.GEORGE,
-DO- -DO-

(*ADDL.3RD AND 4TH APPELLANTS ARE IMPEADED AS PER ORDER
DT.1.4.2015 IN I.A.NO.417/2015)

BY ADV. SRI.VARGHESE K.PAUL

RESPONDENT(S) /RESPONDENTS :

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

2. CORPORATION OF KOCHI,
PARK AVENUE-682 019, ERNAKULAM
REPRESENTED BY ITS SECRETARY.

R2 BY ADV. SRI.K.J.MANU RAJ
R-R1 BY GOVERNMENT PLEADER SRI R.PADMARAJ
R BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

L.A.A No.495 of 2014

Dated this the 1st April, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R No.81 of 2009 on the file of the IInd Additional Subordinate Judge's 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.8971 of 2012.

2. Heard both sides. The dispute is with regard to the acceptability of Ext.A7 produced in this case. The remand is in respect of 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 claimants, ie. 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.

There was a delay of 1122 days in filing the appeal and the

delay petition (C.M.Appl.No.530/2014) was allowed by order dated 25.08.204 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 land value is allowed by the reference court, the appellants will not be entitled for interest under Section 28 of the Land Acquisition Act for the above period. There will be no order as to costs, in this appeal.

Sd/-

T.R.RAMACHANDRAN NAIR
Judge

Sd/-

P.VASHA
Judge

rtr/

/true copy/

P.S to Judge