

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 10.09.2018

Orders Pronounced on : 28.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Review Application No.59 of 2018 in A.S.No.392 of 2015

1. Raja Naicker (deceased)

2. Kumar

3. Nagappan

4. Murugan .. Applicants

Vs.

1. The Special Tahsildhar (L.A),

SIPCOT Unit,

Sriperumbudur,

Kancheepuram District.

2. The Managing Director,

SIPCOT, Egmore, Chennai-8. .. Respondents

Review Application filed under Order XLVII Rules 1 and 2 read with Section 114 of CPC, to review the judgment of this Court in A.S.No.392 of 2015, dated 06.08.2015 on the file of this Court.

For Applicants : Mr.G.Karthikeyan

For respondents : Mr.J.Balagopal, Spl.G.P for R-1

Mr.Vijay Narayan, Advocate General

assisted by Mr.Ramesh Venkatachalapathy for R-2

ORDER

R.Subbiah, J

This Review Application is filed to review the order dated 06.08.2015 passed in A.S.No.392 of 2015 on the file of this Court.

2. It is to be noted A.S.No.392 of 2015 was filed by the Special Tahsildar (LA), SIPCOT Unit, and a Division Bench of this Court, by common judgment dated 06.08.2015, had dismissed A.S.No.392 of 2015 along with connected appeals. However, in one of those appeals, a Cross Objection was filed in Cross Objection No.85 of 2015 in A.S.No.145 of 2011 and the said Cross Objection was allowed. The compensation was fixed at Rs.10,465.40 per cent. However, while dismissing all the appeals, it was wrongly noted as if Cross Objections were filed in all the appeals, but the fact remains that the Cross Objection was filed in only one appeal, as noted above. Hence, a petition seeking clarification was filed in A.S.No.393 of 2015, which was listed before another Division Bench, which followed the earlier judgment and fixed the compensation at Rs.10,465.40. So far as the present appeal in

A.S.No.392 of 2015 is concerned, the claimant has expired and hence, a separate petition to clarify the order was filed, which was dismissed as withdrawn, with liberty to file a Review Application. Accordingly, the present Review Application is filed before this Court.

3. Learned counsel appearing for the Review Applicants submitted that by following the above decision of the Division Bench, the compensation amount may be enhanced.

4. Considering the above submission, we are of the view that the Review Application has to be entertained, since in the connected appeals, the compensation amount was enhanced to Rs.10,465.40 per cent.

5. Accordingly, this Review Application is allowed and the amount of compensation is fixed at Rs.10,465.40 per cent. No costs.

(R.P.S.J) (R.P.A.J)

28.09.2018

Index: Yes/no

Speaking Order: Yes/no

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To

1. The Special Tahsildhar (L.A),
SIPCOT Unit,
Sriperumbudur,
Kancheepuram District.

2. The Managing Director,
SIPCOT, Egmore, Chennai-8.

R.SUBBIAH, J

and

R.PONGIAPPAN, J

cs

Order
in
Rev.A.No.59 of 2018
in
A.S.No.392 of 2015

28.09.2018