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**IN THE COURT OF — ADDL. SENIOR CIVIL JUDGE AT  
VADODARA**  
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**Review Application No.08/2018 in Land Reference Case Nos.875/00 to
878/2000**

Exh.____

MAIN CLAIMANT:
Land Reference No.875/2000
Chandubhai Fatehsinh

Residing at:
Vill.: Mevli, Tal.: Savli, Dist.: Vadodara

Versus

OPPONENTS:

- (1) The Special Land Acquisition Officer,**
Office of Narmada Yojna
Narmada Project Unit - 15,
5th Floor, B- Block Chani Jakatnaka, Vadodara-2
- (2) The Executive Engineer**
Narmada Project Canal Division No17,
Dist Panchmahal

(3) Government of Gujarat.

(Summons to be served through - The Collector, Vadodara)
At - Kothi Building, Vadodara.

Appearance:

Mr. D.A.Patel Ld. Advocate for the Claimants.

Mr. P.P.Thakkar Ld. DGP for the Opponent No.1 & 3.

Mr. N.S.Shah Ld. Advocate for the Opponent 2.

Review U/s.114 of CPC

: J U D G M E N T :

- (1) That the present applicant has filed this review application , aggrieved by the order passed by this court on 29/09/2017 stating the fact that the applicant had engaged the advocate his VP is also filed then the matter was kept in abeyance for long and suddenly the matter was taken up for evidence and without giving opportunity to the applicants the aforesaid order is passed .Moreover there is a mathematical mistake in the order and the amount accepted by the tajagna committee is not considered by this court. Hence prayed for allowing this application and setting aside the ex-parte order passed by this court on 29/09/2017 and allow the application and prayed to grant the amount of compensation accordingly.
- (2) Heard Ld.Advocates for all the parties, Read this application and perused the record of Land Reference No.882/00 and relevant

provision of law. Considering the record of the case it seem that the Ex.10 document was overlooked by this court which seems to be a bonafide mistake of the court . The said document is a compromise arrived between the claimants of Bahidhara (Natvarnagar) and the Tajagna Committe wherein claimants of the L.Aq case No.16/89 were given increase of Rs.12.50 paise and the present applicants L.Aq. Case No.63/97 there is differential span of 8years. But as the applicants has not produced the copy of award whereby the court could calculate the market rate prevalent at that tiime n increase of 10% cannot be calculated. Hence the amount on base price cannot be calculated but , if lumpsum increase of Rs.12 is given then it will meet the ends of Justice . Moreover CPC O.XLVII Rule 4 which reads as under:

4. Application where rejected.- (1) Where it appears to the court that there is no sufficient ground for review, it shall reject the application.

(2) Application where granted—Where the court is of opinion that the application for review should be granted, it shall grant the same:

Provided that—

(a) no such application shall be granted without previous notice to the opposite party, to enable him to appear and be heard in support of the decree or order, a review of which is applied for; and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him when the decree or order was passed or made, without strict proof of such allegation.

- (3) Therefore for the above reasons and provision of law I.e O.47 R.4 (2)
(b) for adducing evidence I.e award review application cannot be

granted. But as this court finds that there is calculation mistake which needs to be rectified. Hence I pass following necessary order:

: ORDER:

- ❖ **This review application is allowed.**
- ❖ **The claimants are entitled to get market rate as per the award dtd.23/08/99 and increase of Rs.12/- on market price. I.e.Rs.12+12=Rs.24 per Sq.Mtr. with interest on the aggregate amount of acquired lands at the rate of 9% p.a. from the date of taking possession till one year, and thereafter, at the rate of 15% p.a. till realization.**
- ❖ **The claimants are also entitled for additional compensation at the rate of 12% p.a. under Sec.23(1-A) and 30% solatium under Sec.23(2) of the Land Acquisition Act, with interest @ 9% p.a. from the date of taking over possession till one year, and thereafter, @ 15% p.a. till realization of the amount payable under Sec.28 of the Act.**
- ❖ **The amount of compensation awarded and/or already paid by the Special Land Acquisition Officer to the claimants shall be deducted from the amount of compensation as determined by this Court.**
- ❖ **No order as to cost.**
- ❖ **Award be drawn-up accordingly.**

Signed and pronounced in the open Court to-day on this 30th day of March, 2018.

Date: 30/03/2018.

(Mrs.Roopa Sanjeev Rajput)
Code No.GJ00744
5thAdditional Senior Civil Judge
Vadodara.