

\212IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).2845 OF 2007

JACINTO MINGUEL DE QUADROS BARRETTO (D)THRU LRS.& ORS. Appellant(s)

VERSUS

HARIDAS MARUTI KAMAT (D) THRU LRS. & ORS.

Respondent(s)

O R D E R

Heard the learned counsel for the parties.

We are happy to note that the parties have agreed for apportionment of compensation in the ratio of 65:35, that is to say, 65% will be paid to the respondent Nos. 1,2, and 3/legal heirs/representatives and remaining 35% to the appellants/legal heirs and the amount payable to appellant shall carry an interest of 10% from the date of withdrawal of the amount made by the respondents from the High Court i.e. 10.08.2006, as agreed.

The calculations jointly submitted by the learned counsel for the parties are hereunder:

Amount with drawn by the present respondents on 10.08.2006 Rs. 65,23,589/-
Income tax paid by respondents on the amount received Rs. 7,59,724/-
Remaining amount to be divided between the parties Rs. 57,63,865/-
35% of 57,63,865/- = Rs.20,17,353/-
10% interest of 20,17,353/- for 10 ½ years = Rs.21,18,220/-
Total amount payable to the appellants by the respondent would come to Rs. 41,35,573/- Rounded off to

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Rs. 41,35,500/- (Rs. Forty one Lakhs Thirty Five Thousand and Five Hundred only)

So far as the compensation part is concerned, this order is final. However, it would be open to the respondents to question the order passed in the revenue proceedings and compromise is without prejudice, rights and interest with respect to other matters relating to either parties.

Income tax, paid shall also be informed by the respondents to the appellants and shall be apportioned between the respondents as well as the appellants in the aforesaid ratio.

The appeal stands disposed of in terms of the aforesaid consent order.

.....J.

(ARUN MISHRA)

.....J.

(R.BANUMATHI)

NEW DELHI;

February 1, 2017

ITEM NO.101

COURT NO.10

SECTION IX

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Civil Appeal No(s).2845/2007

JACINTO MINGUEL DE QUADROS BARRETTO (D)THRU LRS.& ORS.Appellant(s)

VERSUS

HARIDAS MARUTI KAMAT (D)THRU LRS.& ORS.

Respondent(s)

(With Office Report)

Date : 01/02/2017 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE R.BANUMATHI

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv.

Ms. Shobha, Adv.

Mr. Bonny Mehra, Adv.

Ms. Anupama Dhruve, Adv.

For Respondent(s) Mr. Surendra Desai, Sr. Adv.

Ms. Triveni Potekar, Adv.

Mr. Pourush Kumar, Adv.
Mr. Jatin Seth, Adv.
Mr. Chander Shekhar Ashri, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The Civil Appeal is disposed of in terms of the signed order.

Pending applications, if any, stands disposed of.

(B.Parvathi)

Court Master (Tapan Kr. Chakraborty)

Court Master

(Signed order is placed on the file)