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C.A.No. 1707 OF 1999

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ITEM No.105

Court No.9

SECTION-XIV

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.1707 OF 1999@@
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Omprakash (Dead) by LRs.

Appellant (s)

VERSUS

Union of India
(with office report)

Respondent (s)

WITH
CA No.1708/1999
CA No.1709/1999
CA No.1710/1999 - With prayer for interim relief
CA No.1711/1999

Date : 01-10-2002 This/These matter(s) was/were called
 on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Appellant (s) Mr. Punit Dutt Tyagi, Adv.

For Respondent (s)

Upon hearing counsel the Court made the following
O R D E R

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.SP2

The appeals are disposed of in terms of the signed
order. There shall be no order as to costs.

.SP1

(Neena Verma)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1707 OF 1999@@
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Omprakash (Dead) by L.Rs. Appellants

Versus

Union of India Respondent

WITH
C.A. Nos.1708 to 1711 of 1999

O R D E R@@
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In the above appeals, inspite of the notice having been served, the respondent - Union of India does not appear to have entered appearance.

Heard the learned counsel for the appellants.

It is claimed for the appellants that the questions raised in these cases are covered by the judgment rendered by the Constitution Bench in the case of Sunder Vs. Union@@

of India, reported in 2001 (7) SCC 211, wherein it has been@@
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held that the claimant is entitled to interest also on the other sums payable under sub-section (1-A) and (2) of Section 23 of the Land Acquisition Act, 1894, as amended. We find on going through the judgment rendered by the Constitution Bench that the claim is well merited and require to be sustained.

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Having regard to the above decision, the judgment under challenge is modified only to the extent noted above. It is made clear that if in any case, in the appeals filed by the Union of India, challenging the very quantum of compensation awarded under the impugned judgment is altered/modified then the amount to be paid towards interest to the appellant in the case also shall be proportionately reduced in accordance with the said judgment.

The appeals are disposed of on the above terms. There shall be no order as to costs.

.SP1

.....J.
(DORAISWAMY RAJU)

.....J.
(SHIVARAJ V. PATIL)

New Delhi,

October 01, 2002.