

ITEM NO.119

COURT NO.13

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). 993 OF 2007

MAHARASHTRA EXECUTOR&TRUSTEE CO.LTD.&ORS

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date: 26/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s)

Mr. Nitin S. Tambwekar, Adv.
Mr. B. S. Sai, Adv.
Mr. K. Rajeev, Adv.

For Respondent(s)

Ms. Asha Gopalan Nair, Adv.
Ms. Madhavi Divan, Adv.

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

The appeal is disposed of in terms of the signed order.

(NIDHI CHUGH)
Sr. P.A.

(RENUKA SADANA)
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 993 OF 2007

THE MAHARASHTRA EXECUTOR &
TRUSTEE COMPANY LTD. & ORS.

... Appellants

VERSUS

STATE OF MAHARASHTRA

... Respondent

O R D E R

Heard learned counsel appearing for the parties.

The subject matter of the challenge in this appeal
is the judgment of the High Court whereby the High Court

while dealing with the matter relating to the compensation of acquired land has imposed a deduction of 30 per cent on the compensation amount arrived at by the reference court, since the land had been developed. The learned counsel for the appellants submits that the said imposition by the High Court is erroneous since the area is already a developed area being situated in the Bombay-Pune Highway. The learned counsel for the State on the other hand submits that the acquisition was of the year 1970 and pointed out the evidence given by an expert witness on behalf of the appellants that according to the witness the deduction should be between 20 and 30 per cent.

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CIVIL APPEAL NO. 993 OF 2007

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Considering the rival contentions of the parties we are of the opinion that the justice of the case would be sufficiently met, if, instead of 30 per cent, a deduction of 20 per cent is imposed. The judgment of the High Court is modified to the extent indicated above.

The appeal is, accordingly, disposed of.

No orders as to costs.

....., J.
[ASOK KUMAR GANGULY]

....., J.
[SWATANTER KUMAR]

NEW DELHI;
APRIL 26, 2011.