

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

REVIEW PETITION (C) NO(s). 658 OF 1999 IN SLP(C) 19486/1998

SUBH RAM & ORS

Petitioner(s)

VERSUS

U.O.I.

Respondent(s)

(With appln(s) for c/delay in filing substitution
appln.,substitution of deceased petitioner and office report)

Date: 20/01/2011 This Petition was circulated today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioners

Mr. Jasbir Singh Malik, Adv.
Ms. Ekta Kadian, Adv.
Mr. S.K. Sabharwal,Adv

Ms. Sunita Sharma,Adv.

For Respondent

Mr. P.P. Malhotra, ASG
Mr. Shailendra Sharma, Adv.
Mr. S.W.A. Quadri, Adv.
Ms. Asha G. Nair, Adv.
Ms. Anil Katiyar, Adv.

Mr. Shreekant N. Terdal,Adv.

UPON perusing papers the Court made the following
O R D E R

The Review Petition is allowed and appeal is
disposed of in terms of the signed order.

(Sonia) (Sneh Bala Mehra)
Sr P.A. Court Master
(Signed order is placed on the file).

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

REVIEW

PETITION (C)NO. 658 OF 1999
IN

CIVIL APPEAL NO. 1385 OF 2011 @

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 19486 OF
1998

SUBH RAM & ORS

PETITIONERS

VERSUS

U.O.I.

RESPONDENT

O R D E R

I.A. NO. 3

Rule.

Mr. Shailendra Sharma, the learned counsel waives service of notice on behalf of respondent.

I.A. No. 3 of 2010 has been filed by the petitioners to condone the delay of 119 days caused in filing the application for substitution of the legal representatives of the deceased petitioner - Suresh Kumar and setting aside the abatement. This Court has heard the learned counsel for the parties. In view of the averments made in paragraph Nos. 2 and 3 of the application, this Court is of the opinion that the delay caused in filing the application for substitution and setting aside abatement is sufficiently explained. Therefore, the application deserves to be granted.

For the foregoing reason, I.A. No. 3 for condoning the delay of 119 days caused in filing the application for substitution and setting aside abatement is allowed.

Rule is made absolute accordingly.

: 2 :

I.A. NO. 2

Rule.

Mr. Shailendra Sharma, the learned counsel waives service of notice on behalf of respondent. By filing this application, the petitioners pray that the applicants who are heirs of deceased Suresh Kumar be brought on record.

Having regard to the facts of the case and averments made in paragraph Nos. 2 and 3 of the application, this Court is of the opinion that the prayer claimed in the application deserves to be granted. Hence, the application succeeds. The prayer made in paragraph 3(a) is granted. The application stands disposed of accordingly.

Rule is made absolute.

R.P.(C) No. 658 OF 1999 IN SLP(C) NO. 19486 OF 1998

Rule.

Mr. Shailendra Sharma the learned counsel waives service of notice on behalf of the respondent.

Having regard to the facts of the case, the review petition is taken up for hearing today. By filing this petition, the petitioners have prayed to review order dated 23.11.98 passed by this Court in SLP(C) No...CC No. 7580/1998 (i.e. SLP(C) No. 19486 of 1998) and restore the special leave petition on the file.

This Court has heard the learned counsel for the parties.

: 3 :

In view of the orders passed in Nos. 1233-1236 of 1999 in Review Petition C.A. Nos. 2811, 812-12 of 2002 @ SLP(C) No. 19485, 19487-19489 of 1998, the instant petition deserves to be allowed. Hence the review application is allowed. Special leave petition is restored on file with its original number SLP(C) No. 19486 of 1998.

Leave is granted in the special leave petition.

In view of the Constitution Bench decision dated September 19, 2001 of this Court in Sunder versus Union of India (2001) 7 SCC 211 the appeal stands allowed. It is held that the appellants would be entitled to the interest as provided in Sections 28 and 34 of the Land Acquisition Act 1894, on the amount awarded under Sections 23(1-A) and 23(2) of the said Act.

It is clarified that in view of the decision of this Court in Gurpreet Singh versus Union of India (2006) 8 SCC 457, the appellants would be entitled to the interest as mentioned above from 19.9.2001.

Subject to above mentioned clarification, the appeal stands disposed of.

.....J.
(J.M. PANCHAL)

.....J.
(H.L. GOKHALE)

NEW DELHI
JANUARY 20, 2011