

ITEM NO.32

COURT NO.2

SECTION XIA

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

Petition(s) for Special Leave to Appeal (C) No(s). 11496/2012

(Arising out of impugned final judgment and order dated 22/12/2010 in SA No. 358/1995 passed by the High Court Of Kerala At Ernakulam)

RADHAKUMARI AMMA & ORS.

Petitioner(s)

VERSUS

TRAVANCORE DEVESWOM BOARD

Respondent(s)

Date : 27/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. K. Rajeev, Adv.

For Respondent(s) Mr. A. Raghunath, Adv.

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

This special leave petition arises out of an order passed by the High Court in Civil Second Appeal No. 358 of 1995 whereby the High Court has while modifying the decree for possession passed by the courts below directed that the plaintiff-petitioner herein shall in lieu be entitled to a sum of Rs. 5,00,000/- as compensation from the defendant.

When the matter came up before us on 30.03.2012, Mr. V.Giri, learned senior counsel for the petitioner submitted that the petitioners were not keen on demolition of the structure raised by the respondent over the disputed parcel of land provided they are

suitably compensated in terms of money depending upon the market value of the encroached extent of land. On 06.05.2014 when the matter appeared again before us, the parties took time to take instructions whether fairness of the amount which the High Court had determined at Rs. 5,00,000/- could be referred to Hon'ble Mr. Justice K.T.Thomas, Former Judge of this Court. Learned counsel for the parties today submit on instructions that the parties are indeed ready and willing to have that limited question referred to mediation by Justice Thomas. We accordingly refer the parties to Justice Thomas with a request that he may explore the possibility of a settlement by mediation by determining a suitable amount towards compensation payable to the petitioners for the disputed extent of land occupied by the respondent. Learned counsel for the petitioner agree to deposit Rs. 50,000/- towards their share of mediation fee while an equivalent amount shall be deposited by the respondent before Justice Thomas, We request Justice Thomas to spare some time out of his Lordship's busy schedule and submit a report to this Court as expeditiously as possible as to the outcome of the mediation proceedings.

Post after the report is received.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master