

ITEM NO.32  
TION XIA

COURT NO.2

SEC

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

I N D I A

Petition(s) for Special Leave to Appeal (C)  
11496/2012

No(s).

(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.  
titioner(s)

Pe

VERSUS

TRAVANCORE DEVESWOM BOARD  
spondent(s)

Re

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 ha  
s 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  
Signature Not Verified

Digitally signed by  
Shashi Sareen  
Date: 2015.01.28

30.03.2012, Mr. V.Giri, learned senior counsel for the

10:50:04 ALMT  
Reason:

petitioner submitted that the petitioners were not keen  
on demolition of the structure raised by the respondent  
over the disputed parcel of land provided t

hey are

suitably compensated in terms of money depending upon  
the market value of the encroached extent of land.  
06.05.2014 when the matter appeared again before us, the  
parties took time to take instructions whether

On

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, 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