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SLP(C)No. 9373 OF 2000

ITEM No.1

Court No.10

SECTION XIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.9373/2000

(From the judgement and order dated 14/06/1999 in LAA 38/94
of The HIGH COURT OF KERALA AT ERNAKULAM)

MATHAI VARGHESE

Petitioner (s)

VERSUS

STATE OF KERALA & ANR.

Respondent (s)

(With prayer for interim relief)
With office report
(For Final Disposal)

Date : 23/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. L. Nageswara Rao, Sr. Adv.
Mr. Roy Abraham, Adv.
Mr.Himinder Lal,Adv.

For Respondent (s) Mr. T.L.V. Iyer, Sr. Adv.
Mr. Subramonium Prasad.,Adv.

Mr. Manu Krishnan, Adv.
Mr. K.R. Sasiprabhu,Adv.

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

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.SP2

Leave granted.
The appeal is disposed of in terms of signed order.

.SP1

(Pawan Kumar) (Prem Prakash)
Court Master 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.2875 OF 2002@@
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(arising out of SLP(C) No.9373 of 2000)

Mathai Varghese

..Appellant

Vs.

State of Kerala & Anr.

..Respondents

O R D E R@@
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.SP2

Leave granted.
Heard parties.

In regard to the claim of the appellant for interest on solatium, the issue is covered by this Court's judgment in the case of Sunder vs. Union of India, [2001 (7) SCC 211].@@

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Therefore, we hold that the appellant is entitled for interest on solatium. As to the deduction of 33% made by the High Court, we are of the opinion that in view of the admission of the appellant himself that the land in question was paddy field situated about two and a half feet below the road level we think the deduction made by the High Court of 33% is reasonable and we are not inclined to interfere with the same hence reject that contention.

With the above modification this appeal is disposed of.

.SP1

.....J.
(N. SANTOSH HEGDE)

New Delhi,
April 23, 2002.

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