

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION Nos.64-72 OF 2010
IN
CIVIL APPEAL NOS. 1745-1753 OF 2004

PRALHAD AND OTHERS Appellant (s)

VERSUS

STATE OF MAHARASHTRA AND ANOTHER Respondent(s)

O R D E R

These applications have been filed by the appellants for correction of, what they have termed as inadvertent omission in judgment dated 15.9.2010 passed in Civil Appeal Nos. 1745-1753 of 2004.

Notice of the applications has been duly served upon the respondents but no counter has been filed.

We have heard learned counsel for the parties and perused the record. In our view, the omission in the Court's order to declare that the appellants shall be entitled to interest at the rate of 15% in terms of Section 28 of the Land Acquisition Act, 1894 was due to sheer inadvertence. Therefore, the application is allowed and the operative portion of judgment dated September 15, 2010 is modified in the following terms:

"For the reasons aforesaid, this Court holds that the appellants are entitled to the benefit of the amended provision of Section 23(1A) of the Principal Act in view of the clear law laid down by this Court in

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Pariipoornan (supra). The appellants shall also be entitled to interest at the rate of 15% in terms of Section 28 of the Act. The appeals are allowed to the extent indicated above. No order as to costs."

The interlocutory applications are accordingly disposed of.

.....J.
(G.S. SINGHVI)

.....J.
(H.L. DATTU)

NEW DELHI,
August 10, 2011.

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ITEM NO.1

COURT NO.10

SECTION IX

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

IA Nos.64-72 IN CIVIL APPEAL NO. 1745-1753 OF 2004

PRALHAD & ORS.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(With appln(s) for directions and office report)

Date: 10/08/2011 These I.As were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)

Mr. Devansh Mohta, Adv.
Mr. Vishnu B. Saharya, Adv.
For M/S Saharya & Co.,A.O.R.

For Respondent(s)

Mr. Sanjay V. Kharde, Adv.
Ms. Asha Gopalan Nair, A.O.R.[Not present]

UPON hearing counsel the Court made the following

O R D E R

In terms of signed order, the interlocutory
applications are disposed of.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)