

which the appellants had valued the appeal at Rs.26,17,200/-

over and above the compensation awarded by the Reference Court. Mr. Sree Kumar argued that payment of court fee on a

lesser amount, Rs.8.50 lakhs, was an error committed by the appellants on the legal advice tendered to them but the same need not prevent the appellants from claiming and receiving compensation determined on the basis of the market value of the land acquired from them.

He submitted that the appellants were even now ready to correct the value of the appeal for purposes of court fee and jurisdiction and pay the deficit court fee.

On behalf of the respondent it was on the other hand contended that the High Court was justified in limiting the claim of the appellants to Rs.8.50 lakhs only as the appellants had paid court fee on that amount and confined their claim to an additional amount of Rs.8.50 lakhs only. Allowing the appellants at this stage to amend the valuation for purpose of paying deficit court fee is neither permissible nor justifiable, as a party who restricts his claim to a specified amount cannot be allowed to speculate on judicial proceedings in the fashion in which the appellants appear to be doing.

Two decisions on the question whether the land-owners can revise their claim for payment of compensation at the stage of making of reference or at the appellate stage appear to have gone unnoticed by the High Court. In Scheduled Caste Co-operative Land Owning Society Ltd., Bhatinada vs. Union of

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India & Ors. - (1991) 1 SCC 174 and Ambya Kalya Mhatre (D) Through L.Rs. And Others vs. State of Maharashtra - (2011) 9 SCC 325, two Three-Judges Benches of this Court have examined somewhat similar issues. The High Court does not appear to have noticed either one of the said decisions while deciding the appeal. It would, therefore, be more appropriate if the matter is remitted back to the High Court for a fresh hearing

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

Leave granted.

In terms of the signed order, the appeal is allowed, the
impugned order set aside and the matter remitted back to the High
Court for a fresh disposal in accordance with law.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)