Ê IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5310-5311 OF 2001

HEIR OF RUPABHAI KUBERBHAI & ORS. Appellant (s)

VERSUS

STATE OF GUJARAT Respondent(s)

ORDER

1. I.A. Nos. 1-2 of 2001 - Applications for impleadment filed by the beneficiary of acquisition (Agricultural Produce Market Committee, Dahod) are allowed.

2. These are claimants' appeals against the common judgment and final order dated 18.11.1999 passed by the High Court of Gujarat in First Appeal No.1156 of 1984 and 194 of 1985 relating to compensation for acquisition of land.

3. The High Court rejected the prayer for enhancement of compensation (market value). The High Court has also denied interest on the enhanced amount of solatium.

4. Though in the special leave petitions the appellants have raised various grounds to challenge the judgment of the High Court, when the matter was heard, it was fairly conceded that on the facts and circumstances the only question that remained for consideration would be that relating to interest on the solatium amount.

5. The learned counsel for the appellants invites our attention to the decision of this Court in Sunder vs. Union of India (2001) 7 SC 211 wherein this Court has held that the land owner is entitled to get interest for the land acquired on the aggregate amount including solatium.

6. Learned counsel for the respondent fairly submitted that

the matter is covered by the decision in Sunder (supra) insofar as interest on solatium is concerned.

7. Accordingly, we allow these appeals in part and direct that the interest awarded would stand extended to the enhanced amount of solatium also. Parties to bear their respective costs.

.....J.
(R.V. Raveendran)

.....J.
(Lokeshwar Singh Panta)

New Delhi;
May 25, 2007.

ITEM NO.106 COURT NO.5 SECTION IX

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 5310-5311 OF 2001

HEIR OF RUPABHAI KUBERBHAI & ORS. Appellant (s)

VERSUS

STATE OF GUJARAT Respondent(s)

(With office report)

Date: 25/05/2007 These Appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA
(VACATION BENCH)

For Appellant(s) Mr. A.K. Sanghi, Adv. for
Mr. Vimal Chandra S. Dave,Adv.

For Respondent(s) Ms. Hemantika Wahi,Adv.
Ms. Pinky Behera, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeals are allowed in part in terms of the signed order. Parties to bear their respective costs.

(K.K. Chawla) (Radha R. Bhatia)

Court Master Court Master

[Signed order is placed on the file]