

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(S). 7034-7037/2015

M/S PERIYAR AND PAREEKANNI
RUBBERS LTD.

...APPELLANT(S)

VERSUS

THE STATE OF KERALA

...RESPONDENT(S)

ORDER

1. Interest on solatium was awarded by the learned Reference Court. No appeal(s) thereagainst was filed by the State Government. In execution, the position was sought to be reversed by relying on the decision of this Court in Gurpreet Singh vs. Union of India¹ and interest on solatium was awarded with effect from 19th September, 2001 i.e. the date of the judgment of the Constitution Bench of this Court in Sunder vs. Union of India². Aggrieved, the present appeals have been filed.

2. Having considered the law laid down by the Constitution Bench of this Court in Sunder

1. (2006) 8 SCC 457

2. (2001) 7 SCC 211

(supra) and in Gurpreet Singh (supra) we are of the view that neither of the said cases would have any application to the present case. This is because interest was awarded by the Reference Court in the year 1992 (i.e. on 19th November, 1992) and though the declaration of law in Sunder (supra) had come subsequent to the date of the judgment and order of the learned Reference Court i.e. on 19th September, 2001 the said judgment and order of the learned Reference Court dated 19th November, 1992 was not assailed in appeal(s) either by the beneficiary of the acquisition or by the State Government. The present, therefore, was a case where the learned Executing Court had gone behind the decree which it could not have done in law.

3. For the aforesaid reasons, we set aside the order of the High Court to the extent challenged and declare the appellant to be entitled to interest on solatium as awarded by the learned Reference Court. The appeals are accordingly allowed. The execution petition will, naturally, require reconsideration which will be so done forthwith by the learned Executing Court. The question(s) raised/referred to the larger Bench

will be answered, if required, in an appropriate case.

4. The appeals as also all pending applications including the application for intervention are disposed of in the above terms.

.....,CJI.
(RANJAN GOGOI)

.....,J.
(SANJAY KISHAN KAUL)

.....,J.
(K.M. JOSEPH)

NEW DELHI
NOVEMBER 14, 2018

ITEM NO.101

COURT NO.1

SECTION XI-A

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

CIVIL APPEAL NO(S). 7034-7037/2015

M/S PERIYAR AND PAREEKANNI RUBBERS LTD.

APPELLANT(S)

VERSUS

THE STATE OF KERALA
(FOR INTERVENTION APPLICATION ON IA 5/2016)

RESPONDENT(S)

Date : 14-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. P.N. Raveendran, Sr. Adv.
Mr. M. P. Vinod, AOR
Mr. Atul Shankar Vinod, Adv.

For Respondent(s)

Mr. Jaideep Gupta, Sr. Adv.
Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. B.K. Satija, Adv.
Mr. Sanjay K. Visen, Adv.

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

The appeals as also all pending applications including the application for intervention are disposed of in terms of the signed order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

ASSISTANT REGISTRAR

[SIGNED ORDER IS PLACED ON THE FILE]