

The Managing Director vs Aswathy

The Managing Director vs Aswathy

SooperKanoon Citation : sooperkanoon.com/1290303

Court : Kerala

Decided On : Nov-28-2024

Judge : Honourable Mr. Justice Amit Rawal, Honourable Mr. Justice Easwaran S.

Appeal No. : LA.App./5/2018

Appellant : The Managing Director

Respondent : Aswathy

Judgement :

LA.APP. NO. 30 OF 2018 and conctd. cases 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, 1946 LA.APP. NO. 30 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 27.07.2016 IN LAR NO.5 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR, KERALA FEEDS LTD. KALLETUMKARA, THRISSUR 680 683 BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT & 1ST RESPONDENT: 1 NARAYANA SHARMA (* DIED) S/O.

PARAMESWARAN, PUNNOOR MADAM,
KALLELIBHAGAM,EDAKULANGARA P.O,
KARUNAGAPPALLY,KOLLAM 690 523 2 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,KOLLAM 691 013 *Addl.
Respondents 3 to 5 3 N.PARAMESWARA SARMA, RESIDING AT
PUNNOOR MADOM, EDAKULANGARA, P.O. KARUNAGAPPALLY,
KOLLAM DISTRICT 690523

4. MINI KANNAN, NOW RESIDING AT FLAT NO.13, ANUGRAHA
APPARTMENTS, KALAVATH ROAD, PALLISSERI LANE,
PALARIVATTOM, KOCHIN 682 025

5. KRISHNA KUMAR. N, RESIDING AT PUNNOOR MADOM,
EDAKULANGARA, P.O. KARUNAGAPPALLY, KOLLAM DISTRICT
690523 ADDITIONAL RESPONDENTS 3 TO 5 IMPEADED AS THE
LEGAL

REPRESENTATIVES OF THE DECEASED 1ST RESPONDENT AS PER ORDER

DATED 13.8.24 IN I.A NO.1 OF 2024 BY ADVS. V.PREMCHAND HALIYA T.P.
MAHADEV M.J OTHER PRESENT: SR GP SRI T K SHAJAHAN THIS LAND
ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024,
ALONG WITH CO.83/2018, 53/2021 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018
and conctd. cases 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE
HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF
NOVEMBER 2024 / 7TH AGRAHAYANA, 1946 CO NO. 83 OF 2018 AGAINST
LAA NO.337 OF 2017 OF HIGH COURT OF KERALA CROSS
OBJECTORS/RESPONDENTS 1&2: 1 MADHAVAN KUTTY NAIR, AGED 74
YEARS, S/O KESAVAN PILLAI, THENNALA SREE BHAVANAM,

KALLELIBHAGAM, KARUNAGAPPALLY, KOLLAM - 690562 SREEDEVI AMMA,
W/O MADHAVAN KUTTY NAIR, AGED 65 YEARS,

2. THENNALA SREE BHAVANAM, KALLELIBHAGAM, KARUNAGAPPALLY,
KOLLAM - 690562 BY ADVS. SRI.PRATHEESH.P SMT.RENY ANTO
RESPONDENTS/APPELLANT/3RD RESPONDENT:

1. STATE OF KERALA, REP. BY THE DISTRICT COLLECTOR, KOLLAM THE
MANAGING DIRECTOR, KERALA FEED LTD, KALLETTUMKARA P.O,

2. THRISSUR DISTRICT, PIN 680 001 BY ADVS. SRI. T.K SHAJAHAN, SR. GP,
R1 SRI.S.MOHAMMED AL RAFI, SC, GAIL INDIA LIMITED SRI. M.P JOSEPH
FOR R2

THIS CROSS OBJECTION/CROSS APPEAL HAVING BEEN FINALLY HEARD
ON 28.11.2024, ALONG WITH LA.App..337/2017 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO.
30 OF 2018 and conctd. cases 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE
HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF
NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 53 OF 2021 AGAINST
THE JUDGMENT AND DECREE DATED 29.9.2020 IN LAR NO.23 OF 2014 OF
PRINCIPAL SUB COURT, KOLLAM APPELLANT/ADDL. 2ND RESPONDENT:
THE MANAGER,KERALA FEEDS LTD. KALLETTUMKARA, THRISSUR-680 683.
BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT NO.2 TO 4 & 1ST
RESPONDENT:

1 MAYA VARMA W/O.LATE RAMAMURALEEDHARA VARMA, SKYLINE TOPAS
14 A AND B, KADAVANTHRA, KALOOR, KOCHI-682 020. 2 SANJAYA VARMA,
S/O.LATE RAMAMURALEEDHARA VARMA, 2D PINE WOOD SKYLINE CITY
PARK, JAWAHAR NAGAR, KADAVANTHRA, KOCHI-682 020. 3 SUNEETH
VARMA, S/O.LATE RAMAMURALEEDHARA VARMA, SKYLINE TOPAZ 14 A

AND B, KADAVANTHRA, KALLOOR, KOCHI-682 020. 4 STATE OF KERALA, REPRESENTED BY SPECIAL TAHSILDAR, OFFICE OF THE SPECIAL TAHSILDAR, LA NO.1, KOLLAM-691 013. SRI. T.K SHAJAHAN, SR. GP, R4 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 2 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 3.6.2016 IN LAR NO.16 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR KERALA FEEDS LTD., KALLETTUMKARA, THRISSUR-680 683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT & 1ST RESPONDENT:

1 SUKUMARA PILLAI S/O.NARAYANA PILLAI, THENNALA THOTTATHIL, KALLELIBHAGAM, EDAKULANGARA P.O., KALLELIBHAGOM VILLAGE, KARUNAGAPPALLY, PIN-690 523. 2 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOLLAM-691 013. SRI. T.K SHAJAHAN, SR. GP FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 5 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 3.6.2016 IN LAR NO.17 OF 2010 OF

PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR KERALA FEEDS LTD., KALLETUMKARA, THRISSUR-680 683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT & 1ST RESPONDENT: 1 ASWATHY D/O.INDIRA DEVI, VILAYIL VEEDU, KALLELIBHAGOM, KARUNAGAPPALLY-690 519. 2 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOLLAM-691013. BY ADV SRI.B.MOHANLAL, R1 SRI. T.K SHAJAHAN, SR. GP, R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD

ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 7 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 03.06.2016 IN LAR NO.14 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR, KERALA FEEDS LTD. KALLETUMKARA, THRISSUR-680 683 BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT & 1ST RESPONDENT: 1 PRABHAKARAN PILLAI THENNALA THOPPIL, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY-690 519 2 STATE OF KERALA REP. BY DISTRICT COLLECTOR KOLLAM- BY ADV SRI.B.MOHANLAL, R1 SRI. T.K SHAJAHAN, SR. GP, R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD

ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 7

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 12 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 28.9.2016 IN LAR NO.42 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR KERALA FEEDS LTD., KALLETUMKARA, THRISSUR - 680 683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT & 1ST RESPONDENT:

1 ANIL KUMAR S/O.ANANDAKRISHNAN PILLAI, THENNALA VEEDU, KALLELI BHAGOM, KARUNAGAPPALLY, KOLLAM - 690 546. 2 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOLLAM - 691 013. BY ADV SRI.ARUN BABU, R1 SRI. T.K SHAJAHAN, SR. GP, R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 13 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 14.03.2016 IN LAR NO.55 OF 2009 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR, KERALA FEEDS LTD. KALLETUMKARA, THRISSUR- 680 683. BY ADV SRI.MOHAMMED AL RAFI S., SC, KERALA FEED RESPONDENTS/CLAIMANT & 1ST RESPONDENT:

1 RADHAKRISHNA PILLAI S/O. PARAMESWARA PILLAI, PARAMBIL THARAYIL VEEDU, KALLELIBHAGAM, KOLLAM-690 519. 2 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOLLAM-691 013. SRI. T.K SHAJAHAN, SR. GP, R2 THIS LAND ACQUISITION APPEAL HAVING BEEN COMING UP FOR HEARING ON 28.11.2024, ALONG WITH LA.App..30/2018

AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 9

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 28 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 22.6.2016 IN LAR NO.9 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR KERALA FEEDS LTD,KALLETUMKARA, THRISSUR 680 683 BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANTS & 1ST RESPONDENT:

1 SATHYVATHI AMMA D/O. THANKAMMA,THENNALA BENGLAW,KALLELIBHAGAM VILLAGE,KARUNAGAPPALLY TALUK, KOLLAM DISTRICT 690 2 SUDEVAKUMAR S/O. DAMODARAN,KOIKKATHARA MADOM, KALLIBHAGAM VILLAGE,KARUNAGAPPALLY TALUK, KOLLAM DISTRICTPOWER OF ATTORNEY HOLDER DAMODARAN,KOIKKATHARA MADOM, KALLIBHAGAM VILLAGE,KARUNAGAPPALLY TALUK, KOLLAM DISTRICT 690 519 3 SARALA DEVI D/O. DAMODHARAN, HARI VIHAR, MALI BHAGAM MURI,THEKKUMBHAGAM VILLAGE, KOLLAM 691 319 LA.APP. NO. 30 OF 2018 and conctd. cases 10 4 DHARANEEDHARAN S/O. DHAMODARAN, AREEPLACHI THADATHIL PUTHEN VEEDU,MAVILA P.O, ANCHAL, KOLLAM 691 333 5 PRAMA SINGH S/O. DAMODHARAN, MUKALUVILA KALAYIL,AGASTYAKKODU,KOMALAM P.O, ANCHAL, KOLLAM 6 SREE DEVI D/O. DAMODHARAN, VELLUTHASSERIL VEEDU, KUNNATHOOR EAST,KUNNATHOOR, KOLLAM 690 540 7 SUDHEVAKUMAR T S/O. DAMODHARAN, DEVARAGAM, KALLELIBHAGAM MURI,'KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY 690 8 MADHUSOODHANAN LEKSHMI,POYIKUZH, OCHIRA 690 526 9 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR,KOLLAM 691 013 BY ADVS. R.RANJANIE MEERA M.(K/1889/2019) SRI. T.K SHAJAHAN, SR. GP THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH

LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 11

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, 1946 LA.APP. NO. 33 OF 2018

AGAINST THE JUDGMENT AND DECREE DATED 27.07.2016 IN LAR NO.6 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONENT : THE MANAGING DIRECTOR, KERALA FEEDS LTD KALLETUMKARA,THRISSUR-680683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANTS&1ST RESPONDENT: 1 CHELLAMMAL, PUNNOOR MADAM EDAKKULANGARA.P.O,KARUNAGAPPALY(DIED) 2 NARAYANA SHARMA PUNNOOR MADAM,EDAKULANGARA.P.O,KALLELIBHAGAM,KARUNAGAPPALLY-690523.

3 PARAMESWARA SHARMA S/O.CHALLAMMAL,AGED 47 YEARS,PUNNOOR MADAM,EDAKULANGARA.P.O,KALLELIBHAGAM,KARUNAGAPPALLY-690523.

4 MINI KANNAN AGED 45 YEARS,D/O.CHELLAMMAL,PUNNOOR MADAM,EDAKULANGARA.P.O,KALLELIBHAGAM,KARUNAGAPPALLY-690523.

5 KRISHNA KUMAR S/O.CHELLAMMAL,PUNNOOR MADAM,EDAKULANGARA.P.O,KALLELIBHAGAM,KARUNAGAPPALLY-690523.

6 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR,KOLLAM-691013. BY ADVS. V.PREMCHAND MAHADEV M.J.(K/182/2022), R3 TO R5 SRI. T.K SHAJAHAN, SR. GP, R6 HALIYA T.P THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 12

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 38 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 30.8.2016 IN LAR NO.4 OF 2011 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR KERALA FEEDS LIMITED, KALLETTUMKARA, THRISSUR-680 683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANT & 1ST RESPONDENT:

1 KAMARUDEEN THANOLASSERIL VEEDU, KELLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KOLLAM TALUK, PIN-690 519. 2 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM, PIN-691 013 BY ADV Arun Babu, FOR R1 SRI. T.K SHAJAHAN, SR. GP FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 13

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 42 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 09.09.2016 IN LAR NO.48 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR, KERALA FEEDS LTD. KALLETTUMKARA, THRISSUR-680683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANTS & 1ST RESPONDENT: 1 SIVANKUTTY S/O.JANARDHANAN NAIR, MADATHIL VADAKKETHARAYIL, KALLELIBHAGAM, KARUNAGAPPALLY, KOLLAM-690519. 2 USHAKUMARI W/O.SIVANKUTTY, MADATHIL VADAKKETHARAYIL, KALLELIBHAGAM, KARUNAGAPPALLY, KOLLAM-690519. 3 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOLLAM-691013. BY ADVS. SMT.RENY ANTO SRI.SIJU KAMALASANAN, R1 AND R2 SRI. T.K SHAJAHAN, SR. GP, R3 THIS LAND ACQUISITION APPEAL HAVING BEEN

FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 14

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 59 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 29.03.2017 IN LAR NO.44 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM. BY SR GOVERNMENT PLEADER, SRI. T.K SHAJAHAN RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN LAR:

1 MADHAVAN PILLAI AGED 70 YEARS, THENNALA LETHA BHAVAN,KALLELIBHAGAM, KARUNAGAPPALLY, KOLLAM - 690 540. 2 SREELATHA AGED 34 YEARS, D/O.LATE PRASANNAKUMARI AMMA,THENNALA LETHA BHAVAN, KALLELIBHAGAM, KARUNAGAPPALLY,KOLLAM - 690 518. (ADDRESS CORRECTED) * SREELATHA, A-401, GOURAV REGENCY, MANGAL NAGAR, NEAR 15 NO. BUS STOP, MEERA ROAD EAST, THANE, 401107, MUMBAI VIDE ORDER DATED 28.11.2019 MEMO DATED 18.11.2019 LA.APP. NO. 30 OF 2018 and conctd. cases 15 3 MAHESH AGED 34 YEARS, S/O.LATE PRASANNAKUMARI AMMA,THENNALA LETHA BHAVAN, KALLELIBHAGAM, KARUNAGAPPALLY,KOLLAM - 690 518. 4 MANAGING DIRECTOR KERALA FEEDS LTD., KALLETUMKARA, THRISSUR - 680 683. BY ADVS. SMT.RENY ANTO, FOR R1 JOSEPH M.P., FOR R4 SRI.K.SIJU, FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 16

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 73 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 26.11.2016 IN LAR NO.11 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/2ND RESPONDENT: THE MANAGING DIRECTOR, KERALA FEEDS LTD. KALLETUMKARA, THRISSUR -680 683. BY ADV JOSEPH M.P. RESPONDENTS/CLAIMANTS & 1ST RESPONDENT :

1 MADHAVAN PILLAI (DIED) S/O.NARAYANA PILLAI, THENNALA LATHA BHAVAN, KALLELIBHAGAM, KARUNAGAPPALLI - 690 519. 2 SUDHEVAKUMAR KOIKKATHARA MADAM, KALLELIBHAGAM, KARUNAGAPPALLI - KOLLAM - 690 519. 3 YESODHA AMMA W/O.DAMODARAN, RESIDING AT DEVARAGAM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM -690 519 FROM KOIKKATHARA MADAM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KOLLAM -690 519. LA.APP. NO. 30 OF 2018 and conctd. cases 17 4 SUDEVAKUMAR RESIDING AT DEVARAGAM, KALLELIBHAGAM MURI,KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM -690 519 FROM KOIKKATHARA MADAM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KOLLAM -690 519.

5 DHARANEEDHARAN S/O.DHAMODHARAN, AREEPLACHI, THADATHIL PUTHEN VEEDU, MAVILA.P.O., ANCHAL, KOLLAM DISTRICT - 691 333. 6 PREMA SINGH S/O.DHAMODHARAN, MUKALUVILA KSLSYIL, AGASTHYACODE.P.O., KOMALAM, ANCHAL, KOLLAM DISTRICT -691 306. 7 SREEDEVI D/O.DAMODHARAN, VELUTHASSERIL, KUNNATHOOR EAST, KUNNATHOOR TALUK, KOLLAM DISTRICT -690 540. 8 MADHUSOODHANAN RESIDING AT LEKSHMI, PAYIKUZHI, OCHIRA -690 526.

9 SARALA DEVI RESIDING AT DEVARAGAM, KALLELIBHAGAM MURI,KALLELIBHAGAM VILLAGE, FROM KOIKKATHARA MADAM,

KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KOLLAM -690 519. 0
STATE OF KEARALA REPRESENTED BY DISTRICT COLLECTOR, KOLLAM -
691 013. BY ADVS. R.RANJANIE MEERA M.(K/1889/2019), R4 SRI. T.K
SHAJAHAN, SR. GP, R10 THIS LAND ACQUISITION APPEAL HAVING COME
UP FOR ADMISSION ON 28.11.2024, ALONG WITH LA.App..30/2018 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 18

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE
HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF
NOVEMBER 2024 / 7TH AGRAHAYANA, 1946 LA.APP. NO. 337 OF 2017
AGAINST THE JUDGMENT AND DECREE DATED 26.07.2016 IN LAR NO.13
OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/1ST
RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, KOLLAM. BY SR GOVERNMENT PLEADER, SRI. T.K
SHAJAHAN RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1
MADHAVAN KUTTY NAIR THENNALA SREE BHAVANAM, KALLELIBHAGAM,
KARUNAGAPPALLY,KOLLAM - 690 562. 2 SREEDEVI AMMA THENNALA SREE
BHAVANAM, KALLELIBHAGAM, KARUNAGAPPALLY,KOLLAM - 690 562. 3
MANAGING DIRECTOR KERALA FEEDS LTD, KALLETUMKARA P.O,
THRISSUR - 680 001. BY ADVS. SRI.PRATHEESH.P, FOR R1 AND R2 JOSEPH
M.P., FOR R3 SMT.RENY ANTO FOR R1 AND R2 THIS LAND ACQUISITION
APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH
LA.App. No.30/2018 AND CONNECTED CASES, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd.
cases 19

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE
HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF

NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 353 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 26.07.2016 IN LAR NO.9 OF 2011 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT/RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM. BY SR. GOVERNMENT PLEADER, SRI. T.K SHAJAHAN RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR:

1 MADHAVAN PILLAI S/O NARAYANA PILLAI, THENNALA LATHA BHAVAN, KALLELIBHAGAM MURI, KALLEIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM NOW RESIDING AT SREE DURGA VEEDU, PADINJATTEKKARA MURI, THEVALAKKARA VILLAGE, KOLLAM. 690524. 2 MANAGING DIRECTOR KERALA FEEDS LTD, KALLETUMKARA P.O., THRISSUR- 680683. 3 MAHESH S/O. MADHAVAN PILLAI, THENNALA LATHA BHAVAN, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM NOW RESIDING AT SREE DURGA VEEDU, PADINJATTEKKARA MURI, THEVALAKKARA VILLAGE, KOLLAM - LA.APP. NO. 30 OF 2018 and conctd. cases 20 4 SREELATHA D/O. PRASANNAKUMARI AMMA, RESIDING AT FLAT NO.401 A WING, GOWRAV REGENCY, MANGAL NAGAR, MEERA ROAD EAST, THANE, MAHARASHTRA FROM THENNALA LATHA BHAVAN, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM 690518

BY ADVS. SMT. RENY ANTO - R1 JOSEPH M.P. - R2 K.SIJU - R1 ANJANA KANNATH - R1 MARIYA JOSE - R1 S.ABHILASH - R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 21

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, CO NO. 123 OF 2021 AGAINST

LA.App. NO.353 OF 2017 OF HIGH COURT OF KERALA CROSS OBJECTOR/1ST RESPONDENT: 1 MADHAVAN PILLAI S/O NARAYANA PILLAI, THENNALA LATHA BHAVAN, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM NOW RESIDING AT SREE DURGA VEEDU, PADINJATTEKKARA MURI, THEVALAKKARA VILLAGE, KOLLAM - 690524 2 MAHESH S/O.MADHAVAN PILLAI, AGED 45 YEARS, THENNALA LATHA BHAVAN, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM NOW RESIDING AT SREE DURGA VEEDU, PADINJATTEKKARA MURI, THEVALAKKARA VILLAGE, KOLLAM 3 SREELATHA D/O. PRASANNAKUMARI AMMA, RESIDING AT FLAT NO.401 A WING, GOWRAV REGENCY, MANGAL NAGAR, MEERA ROAD EAST, THANE, MAHARASHTRA FROM THENNALA LATHA BHAVAN, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM BY ADVS. K.SIJU S.ABHILASH ANJANA KANNATH LA.APP. NO. 30 OF 2018 and conctd. cases 22 RESPONDENTS/APPELLANT & 2ND RESPONDENT:

1. STATE OF KERALA, REP. BY THE DISTRICT COLLECTOR, KOLLAM CIVIL STATION, KOLLAM 691013

2. THE MANAGING DIRECTOR, KERALA FEED LTD, KALLETTUMKARA P.O, THRISSUR DISTRICT, PIN 680 683 SRI. T.K SHAJAHAN, SR. GP THIS CROSS OBJECTION/CROSS APPEAL HAVING BEEN FINALLY HEARD ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 23

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, LA.APP. NO. 74 OF 2024 AGAINST THE JUDGMENT DATED 26.11.2016 IN LAR NO.11 OF 2010 OF PRINCIPAL SUB COURT, KOLLAM APPELLANT(S)/CLAIMANT NOS 2 AND 4:

SUDEVAKUMAR, AGED 61 YEARS DEVARAGAM, KALLELIBHAGAM VILLAGE, KALLELIBHAGAM MURI, KARUNAGAPPALLY, KOLLAM, PIN - 690519 BY ADVS. R.RANJANIE MEERA M. RESPONDENT(S)/RESPONDENTS AND CLAIMANTS NO.1, 3 AND 5 TO 9: 1 THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM, PIN - 695043 2 MANAGING DIRECTOR, KERALA FEEDS LIMITED, KALLETTUMKARA P.O, THRISSUR, PIN - 680683 3 MADHAVAN PILLAI (DIED) , S/O.NARAYANA PILLAI, THENNALA LATHA BHAVAN, KALLELIBHAGAM, KARUNAGAPPALLY, PIN - 690518 LA.APP. NO. 30 OF 2018 and conctd. cases 24 4 YESODHA AMMA, W/O. DAMODHARAN, RESIDING AT DEVARAGAM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM FROM KOIKKATHARA MADAM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, KALLELIBHAGAM TALUK, KOLLAM, PIN - 690519

5 DHARANEEDHARAN, S/O.DHAMODHARAN, AREEPLACHI THADATHIL PUTHEN VEEDU, MAVILA P.O., ANCHAL, KOLLAM DISTRICT, PIN - 6 PREMA SING, S/O.DHAMODHARAN, MUKALUVILA KALAYIL, AGASTHYACODU P.O., KOMALAM, ANCHAL, KOLLAM DISTRICT, PIN - 7 SREEDEVI, D/O. DHAMODHARAN,VELUTHASSERIL, KUNNATHOOR EAST, KUNNATHOOR TALUK, KOLLAM DISTRICT, PIN - 690540 8 MADHUSOODHANAN RESIDING AT LEKSHMI, PAYIKUZH, OCHIRA, PIN -

9 SARALA DEVI, RESIDING AT DEVARAGAM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE, FROM KOIKKATHARA MADOM, KALLELIBHAGAM MURI, KALLELIBHAGAM VILLAGE KARUNAGAPPALLY TALUK, KOLLAM, PIN - 690519 BY ADV JOSEPH M.P., R2 SRI. T.K SHAJAHAN, SR. GP, R1 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 28.11.2024, ALONG WITH LA.App..30/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LA.APP. NO. 30 OF 2018 and conctd. cases 25

JUDGMENT

[LA.App. Nos.30/2018, 53/2021, 2/2018, 5/2018, 7/2018, 12/2018, 13/2018, 28/2018,

Amit Rawal, J.

1. This order shall dispose of the appeals and cross objections

filed by the State, Beneficiary and land owners, against various judgments of the reference court, pertaining to the acquisition of land consisting various parcel to the extent of 3.58 hectares for formation and development activities of Kerala Feeds. On requisition by the Kerala Feeds, the notification for the acquisition of the said parcels of land was caused on 24.6.2008. Land Acquisition Officer categorized the land as dry land and wet land, further sub categorized into 7 (seven) categories and assessed the land value as Rs.1,04,836/- per Are by relying upon the basic documents bearing number 3240/06 and 2493/06.

2. All the landowners aggrieved of the aforementioned

compensation assessed by the Land Acquisition Officer, sought references under Section 18 of the erstwhile Land Acquisition Act. Parties brought on record oral and documentary evidences before the Land Acquisition Officer and claimed Rs.1,50,000/- per cent. The reference court did not accept the aforementioned contentions and awarded the compensation to the tune of Rs.1,87,602/- per Are and Rs. 1,78,222/- by categorizing the land as two parcels. Thus as per the aforementioned compensation it shall come to Rs.75,900/- per cent LA.APP. NO. 30 OF 2018 and conctd. cases 26 and Rs.72,155/- per cent respectively. It is pertinent to mention here the reference court had dealt with the following references bearing number LAR 9/2011, LAR 5/2010, LAR 42/2010, LAR 14/2010, LAR seeking enhancement of the land value.

3. Against the award of the reference court, the beneficiary,

State, and the land owners, as stated above, have approached this Court through various appeals and cross objections. It is pertinent to mention here that all the landowners have not come in appeal or filed cross objections for claiming the

enhancement of compensation, as sought by few of the land owners.

4. Argument of the beneficiary and the State is common that

the reference court could not have enhanced the compensation as noticed above, for, as per the sale deed No. 1221 of 2008, the basic document, the land to an extent of 4.87 Ares was sold for Rs.10,00,000/- (Rupees ten lakhs). By taking out the value of construction, total value of the land was Rs.6,00,000/- (six lakhs) . Therefore, it would be almost Rs.1,23,203/- per Are (approximately Rs.49,879/- per cent). The value assessed by the land acquisition officer was just and reasonable, especially in the absence of any evidence as to the similarity and comparability of the acquired land with that of the property. The property covered in Ext. A7, Sale deed No.2717 of 2008 dated 29.9.2008 was with respect to a commercial

LA.APP. NO. 30 OF 2018 and conctd. cases 27 plot, therefore could not have been compared with the acquired land

ie., 50 m west of the Lalaji junction, Near Karunagappally KSRTC Bus stand. On the other hand, the landowners sought enhancement on the ground that the acquired land is situated within 50 mts west of Lalaji junction in Karunagappally-Sasthamcotta State Highway. The property is situated adjacent to Karunagappally Railway Station, where on the west of the property, the National Highway No.47 is running. In a distance of 100 mts on north-west side, there is IHRD and polytechnic institute. Besides that, there are/were many of the commercial and industrial establishments and Engineering colleges.

5. By looking at A7, sale deed No.2717 of 2008 dated 29.9.2008,

the compensation is liable to be increased at the rate of Rs.2,47,393/ per Are. An extent of 8.40 Ares of land and shop room bearing No.841 to 844 were sold for a consideration of Rs.32 lakhs. No reasoning has been assigned in discarding the aforementioned claim. Our attention has been drawn to paragraph 12 of the judgment dated 26.7.2016 in LAR No.13 of 2010. The categorization of land is also

impermissible in view of the ratio decidendi culled out in the judgment

of the Supreme Court in *Besco Limited v. State of Haryana* [2023 SCC Online SC 1071].

6. In LA Appl No.74 of 2024 arising out of the land

acquisition reference No.11 of 2010 dated 26.11.2016, an application for condonation of delay of 2652 days has been sought. Counsel for the petitioner submitted that there is an LA.APP. NO. 30 OF 2018 and conctd. cases 28 error apparent on the records i.e., in the judgment of the

reference court, as two claimants had preferred the claim petition for seeking enhancement. One of the claimants is Madhavan Pillai and the other is Sudevakumar. Madhavan Pillai had already died during the pendency of the reference and his case was rejected. There was a dispute between the two co-owners Madhavan Pillai and Sudevakumar, leading to the filing of a claim under Section 31 of the erstwhile Land Acquisition Act and in those proceedings, the reference court in LAR No.43 of 2009, vide judgment dated 14.2.2011, Ext.A6 decided the case in favour of Sudevakumar and rejected the claim of Madhavan Pillai. But while rendering the findings in the reference under Section 18, the benefit of enhancement has been granted to Madhavan Pillai instead of Sudevakumar. It was further contended that though it was a case of seeking a review, the matter had, by the time, already reached in this court along with the connected case. It is in that circumstance, the delay of 2652 days has occurred which is neither willful nor intentional.

7. We have heard the learned counsel for the parties and appraised the paper book.

8. Paragraph 12 of the judgment of the reference court in LAR No.13 of 2010 dated 26.7.2016 reads as under: Ext.A7 is the certified copy of deed No.2717/08. Ext.A7 LA.APP. NO. 30 OF 2018 and conctd. cases 29

cover 4 an extent of 08.40 Ares of land and shop rooms bearing No. 841 to 844 sold for a consideration of Rs.32 lakhs. Ext.A7 itself shows that the eastern side is the market road and northern side is a "road". AW1 in cross examination deposed that the property in Ext.A7 is on the northern side of Karunagappally market. The northern side of Ext.A7 is Karunagappally - Sasthamcotta State highway. The road on the eastern side leads to Karunagappally market. So, a very valuable property like Ext.A7 cannot be treated as yard stick for fixing land value in the present case. Ext.R3 further shows that eventhough property having access through vetturoad was given land value @ Rs.1,23,039/-, the land value is fixed on the basis of deed No.3240/06 for a lesser consideration of Rs.1,10,354/-. The contention of 2nd respondent of non-production of document of Kallelibhagam village cannot be given due weight, as 1st respondent relied property of Karunagappally village. So, the basis land is also found to be not acceptable as it does not reflect correct market value.

9. On perusal of the same, it is evident that the alleged

reasoning assigned does not have any cogent basis or a foundation to reject the documents Ext.A7, certified copy of the sale deed bearing number 2717/2008 dated 29.9.2008, pertaining to the sale of land measuring 08.40 Ares of land consisting of four shop rooms, which was sold for a total consideration of Rs.34,50,000/- . The price of the land excluding the value of the building accrues to Rs.32 lakhs. It comes to Rs. 3,80,952 per Are. However reference court by rejecting the same, applied the guess work and assessed the compensation as Rs.1,87,602/- and Rs. 1,78,222/- by categorizing the land into two parcels. LA.APP. NO. 30 OF 2018 and conctd. cases 30

10. The price of the property sold vide sale deed No.2717 of

2008 pertained to the land to an extent of 08.40 ares, would come to Rs.3,80,952/- per Are. The location of the property has been fortified through the testimony of the Commissioner's report Ext.C1 reflecting it to be 500 meters away from the

Karunagappally junction, but for the reasons best known, has not been relied upon while arriving at a

conclusion.

11. Thus in our considered view, the guess work adopted

by the reference court should have been done away with, instead, the contents of the sale deed should have been taken into consideration while dealing with the claim of enhancement. Accordingly, we reject the appeals filed by the State as well as by the beneficiary seeking reduction in the amount of compensation. Keeping in view the contents of the sale deed, Ext.A7, measuring 08.40 Ares of land sold for a consideration of Rs.32 lakhs excluding the value of the building, which comes to Rs.3,80,952/- per Are ie., Rs.1,54,231/- per cent, we thus award the same as the market value of the land for the purpose of satisfying the claim of the claimants by doing away with the belting system in view of the ratio decidendi culled out in Besco Limited (supra). In other words, uniform rate will be applicable to the entire land acquired for the development activities of Kerala Feeds.

12. We are confronted with the situation where few of the land owners, owing to the paucity of the sources, have not LA.APP. NO. 30 OF 2018 and conctd. cases 31 chosen to claim the enhancement as they were required to pay a

substantial court fees but their grievance cannot remain unaddressed, in view of the enhancement granted to the cross objectors and the appellants, who have sought enhancement of the compensation. Thus by exercising the power under Order 41 Rule 33 of the Code of civil procedure, the court is not denuded to exercise such power in granting the benefits to the person who have not chosen to file an appeal.

33. Power of Court of Appeal.-The Appellate Court shall have power to pass any decree and make any

order which ought to have been passed or made and to

pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection 1 [and may, where there have been decrees in cross-suits or where two or more decrees are passed in one suit, be exercised in respect of all or any of the decrees, although an appeal may not have been filed against such decrees]: 1 [Provided that the Appellate Court shall not make any order under section 35A in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to make such order.]

13. Accordingly, the same benefit is accorded to the

land owners who have not chose to file appeal under the provisions of aforementioned Act. All the land owners shall be entitled to the statutory benefits. Resultantly, the cross objection filed by the landowners are allowed. LA.APP. NO. 30 OF 2018 and conctd. cases 32

14. As far as appeal No.74 of 2024 is concerned, by

accepting the reasons given, we thus condone the delay of 2652 days and accept the argument on the premise that the claim under Section 31, in the dispute between the Madhavan Pillai and Sudevakumar, the learned Reference Court vide award dated 14.2.2011 in Reference No.43 of 2009 decided the matter in favour of Sudevakumar. Therefore, compensation assessed by the Reference court which was benefited to Madhavan Pillai, claimant No.1, is required to be modified and it will be construed to be claimant No.2. It is further clarified that the present claimant would also be entitled to the same benefit while exercising the power under Order 41 Rule 33 of the Code of civil procedure ie., the enhancement subject to payment of court fees.

15. Claimants are granted two months from the date of receipt

of a certified copy of the judgment, to pay the balance court fee/any deficiency. It is made clear that the benefit is being granted to only those persons who have not settled with the claim with beneficiary. Sd/- AMIT RAWAL JUDGE Sd/- sab EASWARAN S. JUDGE LA.APP. NO. 30 OF 2018 and conctd. cases 33 As per order dated 28.02.2025 in LA 1/25 the following

modifications may be made to the common judgment dated 28.11.2024 in the below mentioned LAA appeals and Cross objections. LAA 30/18 As per order dated 28.02.2025 in IA 1/25 in LAA 30/18 the applicants/additional respondents 3 to 5 are entitled to proportionate costs. LAA 33/18 As per order dated 28.02.2025 in IA 1/25 in LAA 33/18 the applicants/additional respondents 3 to 5 are entitled to proportionate costs. CO 83/19 in LAA 337/17 As per order dated 28.02.2025 in LA 1/25 in CO 83/18 in LAA has been awarded to the applicants/cross objectors. CO 123/21 in LAA 353/17 As per order dated 28.02.2025 in IA 1/25 in CO 123/21 in LAA has been awarded to the applicants/cross objectors. Sd/- JOINT REGISTRAR LA.APP. NO. 30 OF 2018 and conctd. cases 34 APPENDIX OF LA.APP. 74/2024 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE JUDGMENT DATED 14.2.2011 IN LAR NO. 43/2009, ON THE FILE OF THE COURT OF ADDITIONAL SUB JUDGE, KOLLAM,

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