

State of Kerala vs Athira

State of Kerala vs Athira

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Court : Kerala

Decided On : Jan-29-2019

Judge : Honourable Mr.Justice V.Chitambaresh,Honourable Mr. Justice R. Narayana Pisharadi

Appeal No. : LA.App./288/2015

Appellant : State of Kerala

Respondent : Athira

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH &
THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI
TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940
LA.App..No. 238 of 2015 AGAINST THE JUDGMENT AND DECREE
DATED 20-12-2014 IN LAR 16/2012 of SUB COURT, KOYILANDY
APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA
REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION,
KOYILANDY. BY SRI.A.K.SUKUMARAN-SR.GP
RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R:

*1 KESAVAN S/O.KANNANKUTTY, KUTTIVAYAL HOUSE, KOTHAMANGALAM, KOYILANDY, KOYILANDY TALUK. DIED AND IMPEADED 2 MANAGING DIRECTOR RBDC (ROAD AND BRIDGES DEVELOPMENT CORPORATION), PALARIVATTAM, KOCHI
*ADDL.RESPONDENTS 3 TO 6 IMPEADED 3 JANU, W/O.LATE KESAVAN, AGED 68 YEARS, KUTTIVAYAL HOUSE, KOTHAMANGALAM, KOYILANDY, KOYILANDY TALUK 673 305. 4 OMANA, D/O.LATE KESAVAN, AGED 50 YEARS, KUTTIVAYAL HOUSE, KOTHAMANGALAM, KOYILANDY, KOYILANDY TALUK 673 305. 5 USHA, D/O.LATE KESAVAN, AGED 47 YEARS, KUTTIVAYAL HOUSE, KOTHAMANGALAM, KOYILANDY, KOYILANDY TALUK 673 305.

293 of 2015, 320 of 2015 and 6 PRAVEEN, S/O.LATE KESAVAN, AGED 43 YEARS, KUTTIVAYAL HOUSE, KOTHAMANGALAM, KOYILANDY, KOYILANDY TALUK 673 305. 7 LEGAL HEIRS OF THE DECEASED 1ST RESPONDENT ARE IMPEADED AS ADDITIONAL RESPONDENTS 3 TO 6 VIDE

ORDER DATED 22.02.2016 IN I.A.NO.285/2016

BY ADVS. SMT.SEEMA FOR R3 TO R6 SRI.R.PARTHASARATHY FOR R3 TO R6 SRI.SHYSON P.MANGUZHA FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..249/2015, LA.App..279/2015, LA.App..286/2015, LA.App..288/2015, LA.App..293/2015, LA.App..320/2015 AND LA.App..380/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING: 293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 249 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 18/2012 of SUB

COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION, KOYILANDY. BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R: 1 SURESH CHERUVAKATT, KOTHAMANGALAM, KOYILANDY-673 305. *2 USHA CHERUVAKATT, KOTHAMANGALAM, KOYILANDY-673 305. (DIED AND LEGAL HEIR RECORDED) *R2 DIED AND R1 IS RECORDED AS THE LEGAL HEIR OF THE DECEASED 2ND RESPONDENT VIDE ORDER DATED 01.12.2016 IN I.A.NOS.1120 AND 1133 OF 2016) 293 of 2015, 320 of 2015 and 3 MANAGING DIRECTOR RBDC, (ROADS AND BRIDGES DEVELOPMENT CORPORATION), PALARIVATTOM, KOCHI-682 025. BY ADVS. SMT.SEEMA FOR R1 SRI.R.PARTHASARATHY FOR R1 SRI.SHYSON P.MANGUZHA FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..238/2015, LA.App..279/2015, LA.App..286/2015, LA.App..288/2015, LA.App..293/2015, LA.App..320/2015 AND LA.App..380/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING: 293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 279 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 11/2012 of SUB COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: SPECIAL TAHSILDAR LAND ACQUISITION, KOYILANDY BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R: 1 MALLIKA W/O BALAKRISHANAN NAIR, "ARCHANA", CHERIYAKANOTH KOTHAMANGALAM, KOYILANDY, KOYILANDY TALUK,. 673 305 2 MANAGING DIRECTOR RBDC, (ROADS AND BRIDGES DEVELOPMENT CORPORATION), PALARIVATTOM, KOCHI- 682 025 SMT.SEEMA FOR R3 TO R6 SRI.R.PARTHASARATHY FOR R3 TO R6 SRI.SHYSON P.MANGUZHA FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON

17.01.2019, ALONG WITH LA.App..238/2015, LA.App..249/2015, LA.App..286/2015, LA.App..288/2015, LA.App..293/2015, LA.App..320/2015 AND LA.App..380/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING: 293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 286 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 5/2012 of SUB COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION, KOYILANDY.673 307 BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R: 1 VELAYUDHAN S/O.THEYAN KATTIVAYALIL (H), KOTHAMANGALAM, KOYILANDY 673307 2 MANAGING DIRECTOR RBDC, (ROADS AND BRIDGES DEVELOPMENT CORPORATION), PALARIVATTOM, KOCHI 682025 BY ADVS. SRI.R.PARTHASARATHY FOR R1 SMT.SEEMA FOR R1 SRI.SHYSON P.MANGUZHA FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..238/2015, LA.App..279/2015, LA.App..249/2015, LA.App..288/2015, LA.App..293/2015, LA.App..320/2015 AND LA.App..380/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING: 293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 288 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 4/2012 of SUB COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION,

KOYILANDY. BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R:

1 ATHIRA, D/O.KANNAN (LATE) PRANAVAM, MOONAMTHODE, THAMARASSERY PO, KOZHIKODE TALUK 673 573. 2 MANAGING DIRECTOR RBDC, (ROADS AND BRIDGES DEVELOPMENT CORPORATION) PALARIVATTAM, KOCHI 682 025. BY ADVS. SRI.R.PARTHASARATHY FOR R1 SMT.SEEMA FOR R1 SRI.SHYSON P.MANGUZHA FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..238/2015, LA.App..279/2015, LA.App..286/2015, LA.App..249/2015, LA.App..293/2015, LA.App..320/2015 AND LA.App..380/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING:

293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 293 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 21/2012 of SUB COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION, KOYILANDY. BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R: 1 NARAYANAN KELOTH HOUSE, KUNNATHARA (PO), KOYILANDY. 2 SIVASANKARAN KELOTH HOUSE, KUNNATHARA (PO), KOYILANDY. 3 ASHOKAN KELOTH HOUSE, KUNNATHARA (PO), KOYILANDY. 4 JAYARAJAN KELOTH HOUSE, KUNNATHARA (PO), KOYILANDY. 5 KUSUMAVATHY KELOTH HOUSE, KUNNATHARA (PO), KOYILANDY. 293 of 2015, 320 of 2015 and 6 LEELA KELOTH HOUSE, KUNNATHARA (PO), KOYILANDY. 7 MANAGING DIRECTOR

RBDC (ROADS AND BRIDGES DEVELOPMENT CORPORATION),PALARIVATTAM, KOCHI. BY ADVS. SRI.R.PARTHASARATHY FOR R1 TO R6 SMT.SEEMA FOR R1 TO R6 SRI.SHYSON P.MANGUZHA FOR R7 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..238/2015, LA.App..279/2015, LA.App..286/2015, LA.App..288/2015, LA.App..249/2015, LA.App..320/2015 AND LA.App..380/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING: 293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 320 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 9/2012 of SUB COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION, KOYILANDY. BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R: 1 ANILKUMAR "ARADHANA",KOTHAMANGALAM,KOYILANDY,KOYILANDY TALUK. 2 UNNIKRISHNAN "AMBADIYIL",NADUVATHUR.P.O,KOYILANDY TALUK-673330. 3 MANAGING DIRECTOR RBDC,(ROADS AND BRIDGES DEVELOPMENT CORPORATION),PALARIVATTOM,KOCHI-682025. SRI.R.PARTHASARATHY FOR R1 AND R2 SMT.SEEMA FOR R1 AND R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..238/2015,LA.App..279/2015, LA.App..286/2015,LA.App..288/2015,LA.App..293/2015, LA.App. THE FOLLOWING: 293 of 2015, 320 of 2015 and

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.CHITAMBARESH & THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI TUESDAY ,THE 29TH

DAY OF JANUARY 2019 / 9TH MAGHA, 1940 LA.App..No. 380 of 2015 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR 6/2012 of SUB COURT, KOYILANDY APPELLANT/1ST RESPONDENT IN L.A.R: STATE OF KERALA REPRESENTED BY THE SPECIAL TAHSILDAR LAND ACQUISITION, KOYILANDY. BY SRI.A.K.SUKUMARAN-SR.GP RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R: 1 MOHANDAS 'KEERTHANAM',CHERIYAKANDOTH, KOTHAMANGALAM, KOYILANDY - 673 305. 2 MANAGING DIRECTOR, RBDC (ROADS AND BRIDGES DEVELOPMENT CORPORATION), PALARIVATTOM, KOCHI. 682 025 BY ADVS. SRI.R.PARTHASARATHY FOR R1 SMT.SEEMA FOR R1 SRI.SHYSON P.MANGUZHA FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17.01.2019, ALONG WITH LA.App..249/2015, LA.App..279/2015, LA.App..286/2015, LA.App..288/2015, LA.App..293/2015, LA.App..320/2015 AND LA.App..238/2015, THE COURT ON 29.01.2019 DELIVERED THE FOLLOWING: 293 of 2015, 320 of 2015 and V.CHITAMBARESH &

R.NARAYANA PISHARADI, JJ.

***** 293 of 2015, 320 of 2015 and
----- Dated this the 29th day of January, 2019

JUDGMENT

R.Narayana Pisharadi, J

These appeals are filed challenging the common judgment

dated 20.12.2014 passed by the Sub Court, Koyilandy in the cases L.A.R.Nos.4/2012, 5/2012, 6/2012, 9/2012, 11/2012,

2. Lands owned by the party respondents in these appeals (hereinafter referred to as 'the claimants'), situated in Panthalayani Village, were acquired for the purpose of 293 of 2015, 320 of 2015 and

construction of railway overbridge at Koyilandy. The notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 30.07.2010. The Land Acquisition Officer granted compensation for land by fixing the value of the land at Rs.68,897/- per cent. The reference court enhanced the compensation by refixing the value of the land at Rs.2,10,076/- per cent. In L.A.R.No.4/2012, the reference court also granted an amount of Rs.3,70,785/- as compensation for injurious affection. Aggrieved by the award passed by the reference court, the State has filed these appeals.

3. We have heard the learned Government Pleader and the learned counsel for the respondents/claimants and also the learned counsel for the requisitioning authority. We have also perused the records.

4. Ext.C1 is the report filed by the Advocate Commissioner after inspecting the lands acquired. Ext.C1 report shows that the lands acquired are situated 100-150 metres away from the new 293 of 2015, 320 of 2015 and

bus stand in Koyilandy Town. Ext.C1 report also shows that the lands acquired are situated in a commercially important locality. The railway station, taluk hospital, post office, the court complex and several banks are located within a radius of 500 metres of the lands acquired.

5. The officer examined as RW1 on behalf of the State has stated that the lands acquired are situated abutting Thamarassery - Koyilandy State Highway.

6. The Land Acquisition Officer adopted the value shown in

Ext.R2 document as the basis for fixation of the market value of the lands acquired. Ext.R2 document shows that on 07.06.2010, 4.10 Ares (10.127 cents) of land situated in Panthalayani Village was sold by its owner for a total consideration of Rs.7,00,000/-. The value of the land paid as per this document comes to Rs.69,122/- per cent.

7. The description of the property given in Ext.R2 document shows that there is no public road on any side of it and the 293 of 2015, 320 of 2015 and access to that

property is through the pathways lying on its eastern and northern sides. This property is located in a residential area.

8. There was absolutely no justification for the Land Acquisition Officer to adopt the value of the land shown in Ext.R2 document as the basis for determination of the market value of

the lands acquired. The lands acquired are abutting a State Highway. On the other hand, the land covered by Ext.R2 document has no access from any public road and it is situated in a residential locality, having no commercial importance.

9. Exts.A1 to A5 are the documents produced by the claimants before the reference court in support of their claim for enhancement of compensation for land.

10. Ext.A1 is the copy of document No.1930/1997. As per

this document, on 20.08.1997, 4.20 cents of property was sold for a total consideration of Rs.3,00,000/-. Ext.C1 report shows that this property is situated at a distance of 300 metres from 293 of 2015, 320 of 2015 and Koyilandy Town and it has got no direct road access.

11. Ext.A2 is the copy of document No.1257/2012. As per this document, on 28.05.2012, 01.31 Ares (3.23 cents) of property was purchased by a Co-operative Society for a total

consideration of Rs.6,88,000/-. Ext.C1 report shows that this property has got road access and that it is situated at a distance of 250 metres from the Koyilandy Town. The reference court has adopted the value of the land shown in Ext.A2 document, though it is a post notification transaction, as the basis for fixation of the market value of the acquired lands.

12. Ext.A3 is the copy of document No.2988/2010. As per this document, on 01.11.2010, one-third right of a person in a property, having an extent of 04.29 Ares, was sold for a total consideration of Rs.6,87,000/-.

13. Ext.A4 is the copy of document No.1010/2012. As per this document, on 16.04.2012, 21.49 Ares of property was sold for a total consideration of one crore and six lakhs and twenty 293 of 2015, 320 of 2015 and

five thousand rupees. Ext.C1 report shows that this property is situated at a distance of 800 metres from Koyilandy Town and it is situated on the side of National Highway.

14. Ext.A5 is the copy of document No.611/2004. As per

this document, on 08.03.2004, 25 cents of property was sold for a total consideration of Rs.35,90,000/-. This property consisted of the foundation and the pillars constructed for a shop room. The boundaries of the property shown in Ext.A5 document show that it has no direct road access.

15. In Maya Devi v. State of Haryana (AIR 2018 SC

645), the Apex Court has categorically held that post notification transactions cannot be taken into consideration for fixing the market value of the land acquired for granting compensation. Therefore, the value of the land shown in Exts.A2 to A4 documents, being post notification transactions, cannot be adopted as the basis for fixation of the market value of the acquired lands. The reference court has relied upon the value of 293 of 2015, 320 of 2015 and

the land shown in Ext.A2 document as the basis for fixation of the market value of the lands acquired. The procedure adopted by the reference court appears to be not proper.

16. The value of the land shown in Exts.A1 and A5

documents also cannot be adopted as the basis for fixation of the market value of the lands acquired. In the property covered by Ext.A5 document, there was the foundation and the pillars constructed for a shop room. This property had no road access. The transaction as per Ext.A1 document had taken place 13 years prior to the date of notification of acquisition. In such circumstances, it would not be proper to adopt the value of the land shown in Exts.A1 and A5 documents as the basis for

fixation of the market value of the lands acquired.

17. The claimants are expected to lead cogent and proper

evidence in support of their claim for enhancement of compensation. The burden is on the claimants to establish that the amount awarded to them by the Land Acquisition Officer is 293 of 2015, 320 of 2015 and

inadequate and that they are entitled to more amount. But, it cannot be said that there is no onus whatsoever upon the State in such reference proceedings. The court cannot lose sight of the fact that obligation to pay fair compensation is on the State. In the absence of any reliable documents to prove the market value of similar and similarly situated properties, the value of the lands acquired can be fixed on the basis of some guess work only. Depending on the facts and circumstances of the case, the court may have to take recourse to some guesswork while determining the fair market value of the land. The Court is entitled to apply some amount of reasonable guesswork to balance the equities and fix a just and fair market value (See *Trishala Jain v. State of Uttaranchal* : AIR 2011 SC 2458). An exercise of computation of the amount of compensation necessarily involves some amount of approximation and guesswork.

18. In the instant case, it is proved that the property covered by Ext.R2 document, which had not even access from a 293 of 2015, 320 of 2015 and

public road and which is located in a residential area, had the market value of Rs. Rs.69,122/- per cent, just a month before the date of publication of the notification of acquisition. The lands acquired are situated abutting a State Highway. They are not situated far away from the National Highway. They are situated in Koyilandy Town, a commercially important locality. The value of the land fixed by the reference court comes to about three times higher than the value of the land shown in Ext.R2 document. Considering the commercial importance of the locality

in which the lands acquired are situated, we are of the considered view that the value of the land fixed by the reference court, though on a different basis, is proper and that the compensation for land awarded is just and reasonable and not

excessive. It is a case of acquisition of land which is situated in a reasonably good location surrounded by developed areas having civic amenities and facilities. When the market value of the lands

acquired is determined taking into consideration their 293 of 2015, 320 of 2015 and geographical situation and proximity to the State Highway and National Highway, the compensation granted by the reference court does not warrant interference in appeal.

19. As per the common judgment in the appeals

L.A.A.Nos.257 of 2015, 273 of 2015, 323 of 2015, 324 of 2015 and 344 of 2015, we have today found that the value of the land fixed by the reference court at Rs.2,12,860/- per cent is just and reasonable. The aforesaid appeals also relate to acquisition of land in the same village, under the same notification, for construction of railway overbridge at Koyilandy. The properties acquired in those cases were situated in the heart of Koyilandy Town. The properties acquired in the instant cases are also situated in Koyilandy Town, but in an area which has got lesser commercial importance. In such circumstances, the value of the land being fixed at a slightly lower rate, that is, at Rs.2,10,076/- per cent, would be justified.

20. In L.A.R.No.4/2012, the reference court has granted an 293 of 2015, 320 of 2015 and

amount of Rs.3,20,785/- as compensation for injurious affection. Ext.C1 report of the Advocate Commissioner shows that the remaining property, after acquisition, happened to be on either side of the road and the two portions of the remaining property are in triangular shape. Considering this aspect, it cannot be found that the amount of compensation granted by the reference court for injurious affection is excessive.

21. The discussion above would show that there is no merit

in the appeals and they are liable to be dismissed. Consequently, the appeals are dismissed. No costs. (sd/-) V.CHITAMBARESH, JUDGE (sd/-) R.NARAYANA PISHARADI, JUDGE jsr/29/01/2019 True Copy PS to Judge

