

**SUPREME COURT OF INDIA**

Special Land Acquisition Officer

Vs.

Dharmaraddi Venkatearaddi Rangannavar

C.A.No.6612 of 2003

(Shivaraj V. Patil and B. N. Srikrishna JJ.)

15.07.2004

**ORDER**

The Order of the Court is as follows

1. The respondents made applications under Section 151 and 152 of the Code of Civil Procedure (CPC) before the Second Additional Civil Judge at Dharwad (reference court) for amending the Awards passed after 30.4.1982 as per Section 30(2) of the Amendment Act 68 of 1984. The reference court allowed the applications and granted 12% additional market value and 9% interest for one year and 15% interest thereafter as per the amended Act, stating that the judgments were passed in reference cases before 24.9.1984, i.e., the date on which the Amendment Act came into force. Additional market value and interest could not be granted by the learned civil judge on the dates when the orders were made in reference cases as the amendment came into force subsequently.
2. The Special Land Acquisition Officer filed revision petitions before the High Court questioning the validity and correctness of the orders made by the learned civil judge. The High Court dismissed the revision petitions affirming the orders passed by the learned civil judge. Hence these appeals by the Special Land Acquisition Officer assailing the impugned orders passed by the High Court.
3. The learned counsel for the appellant advanced two contentions: (1) as the omission of granting additional benefits was not an arithmetical or clerical error, the award made by the reference court could not be amended giving additional market value and interest when the respondents did not file appeals against the original orders passed by the reference court; and (2) application made under Section 152 CPC was clearly barred by time and it ought not have been entertained.
4. On the other hand, learned counsel for the respondents made submissions supporting the impugned orders. According to him the applications made by the respondents for amending the Awards in effect and substance were under Section 151 CPC; on the date when the reference court passed the orders originally, additional benefits could not have been granted

because of the Amendment Act came into force subsequently; under the circumstances applications made under Section 151 CPC for amending the Awards in conformity with the statute giving additional benefits were rightly allowed by the reference court. He added that the said applications filed under Section 151 were not barred by time having regard to the facts and circumstances of the case.

5. Having considered the respective submissions made by the learned counsel for the parties on either side we are satisfied that the conclusions arrived at by the High Court are correct and sustainable. In the impugned orders the High Court has stated that the applications were made by the respondents under Section 152 of the CPC and that for correction of the mistake in the Awards no limitation has been prescribed. These observations are not correct. The applications were made under Section 151 CPC and they were not made for correction of any arithmetical or clerical errors; they were made only for amending the awards in view of the change brought about by law. Hence the applications were not barred by time. It may also be noticed that the respondents could not have filed appeals against the original orders passed by the reference court seeking additional market value and interest for the simple reason that the amendment to the Act was brought into force giving additional benefits subsequently but with retrospective effect from the given date. Thus, we find no merit in these appeals. Consequently they stand dismissed but with no order as to costs.